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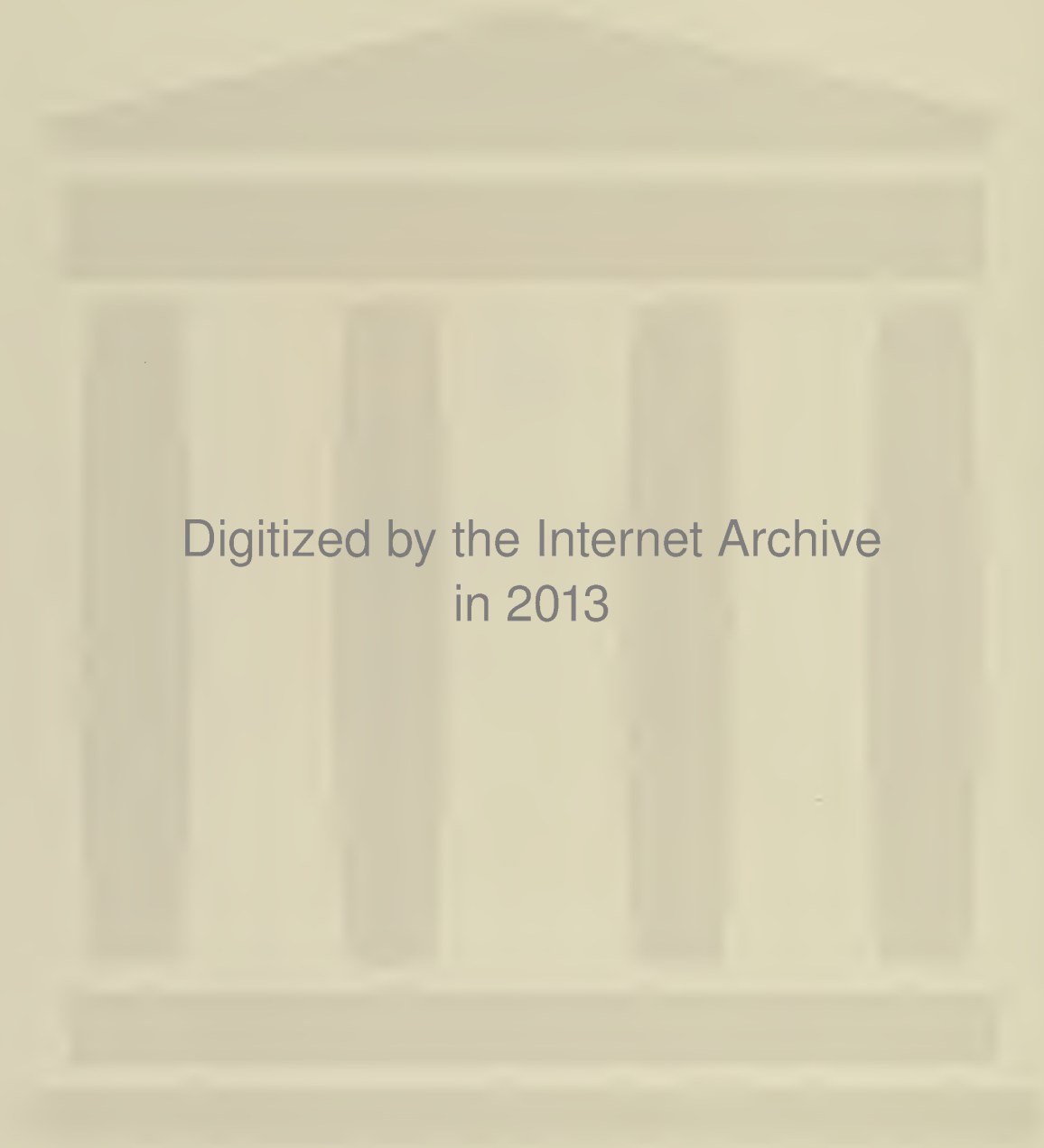

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

REGULAR MEETING - WEDNESDAY, JANUARY 15, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

ITEM A: 281 & 285 Edgewood Avenue. Letter from Judith Harding, Appellant(s), requesting rehearing of Appeal No(s). 02-111, Harding vs. ZA, decided October 30, 2002. At that time, upon motion by Commissioner Shoemaker, the Board voted 5-0 to uphold the subject determination. Subject Property Owner(s): Richard & Norma Dennes.

ITEM B: 2448 Larkin Street. Letter from Michael Guglielmino, Appellant(s), requesting rehearing of Appeal No(s). 02-195, Guglielmino vs. DBI, decided Dec. 4, 2002. At that time, upon motion by President Chin, the Board voted 5-0 to uphold the subject permit. Permit Holder(s): Primecore. Project: renewal of Building Permit Application No(s). 99257797S, 2000/04/24/7982S1, & 2000/04/24/7982S2.

ITEM C: 1069 Pennsylvania Avenue. Letter from William Green, attorney for John Tilton, Appellant(s), requesting rehearing of Appeal No(s). 02-103, Tilton vs. ZA, decided Dec. 4, 2002. At that time, upon motion by Commissioner Shoemaker, the Board voted 2-3 (President Chin, Vice President Harrington & Commissioner Saunders dissented) to uphold the permit suspension request by the Zoning Administrator. Four votes being necessary under the City Charter to overturn any departmental action, the permit suspension request by the Zoning Administrator was upheld.

(4) **APPEAL NO. 01-221**

RANDOLPH & JOANNA GEORGE, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[355 Lombard Street.
[Protesting issuance on November 8, 2001, to
[Donald Jans, Site Permit to Alter a Building
[(install wall, as per plans, on west side of fron
[yard).
[APPLICATION NO. 2000/07/19/5599S.
[PUBLIC HEARING HELD & CLOSED JUNE 26
[2002.
[FOR FURTHER CONSIDERATION TODAY.

(5) **APPEAL NO. 02-020**

DAVID ADAMS, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing denial on January 30, 2002, o
[taxicab medallion no(s). 129.
[THE BOARD VOTED 3-2 ON ON JUNE 12
[2002 TO DISMISS THE CASE FOR LACK OF
[SUBJECT MATTER JURISDICTION. ON
[DECEMBER 4, 2002, THE BOARD VOTED
[4-0 TO GRANT THE REQUEST FOR
[REHEARING.
[FOR REHEARING TODAY.

(6) **APPEAL NO. 02-129**

MOHAMMED BAKIR, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the revocation on July 5, 2002, o
[taxicab medallion no. 864.
[RESOLUTION NO. 2002-50.
[FOR HEARING TODAY.

(7) **APPEAL NO. 02-124**

JOHN McGLYNN, Appellant(s)
vs.
DEPT. OF PUBLIC WORKS, Respondent

[358 Elizabeth Street.
[Appealing the denial on June 28, 2002, o
[Permit to Remove & Replace One Tree
[ORDER NO. 173,603.
[FOR HEARING TODAY.

3 1223 06446 6023

(8) **APPEAL NO. 02-134**

LUIS CAMACHO, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[1738 Lombard Street.
[Protesting the issuance On July 11, 2002, to [Lombard Bay Associates, Permit to Demolish a [Building (two-story commercial building with [6,875sf of ground floor area, & one 1,000sf [apartment above).
[APPLICATION NO. 2001/08/31/7341.
[FOR HEARING TODAY.

(9) **APPEAL NO. 02-171**

PHONG T. NGUYEN
& TRIEU MUOI, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[1671 – 40th Avenue.
[Protesting the issuance on August 26, 2002, to [Can Pei Zhang, Site Permit to Alter a Building [(horizontal rear addition).
[APPLICATION NO. 2001/11/28/4069S.
[FOR HEARING TODAY.

(10) **APPEAL NO. 02-172**

TOM KATZ, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. DISAPPROVAL

[1349 Clayton Street.
[Appealing the denial on August 30, 2002, of [Permit to Alter a Building (replace existing steel [with vinyl retrofit – same shape and size; total [20 windows).
[APPLICATION NO. 2002/07/25/2280.
[FOR HEARING TODAY.

(11) **APPEAL NO. 02-174**

FRESH ORGANICS INC.
dba "THOM'S NATURAL FOODS", Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[5843 Geary Boulevard.
[Appealing a determination dated August 21, [2002, addressed to Timothy Hinrichs at Fresh [Organics Inc., that an Alcoholic Beverage [Control (ABC) License Type 20 ("Off Sale Beer [& Wine") cannot be approved for the retail [grocery/specialty food store at the subject [property because Planning Code § 790.55 [prohibits the establishment of liquor stores in [the NC-3 zoning district.
[FOR HEARING TODAY.

(12) **APPEAL NO. 02-176**

SIMON KONG & YING-AH KONG, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[2114-2118 Mission Street.
[Appealing a determination dated August 22
[2002, addressed to Van Ly, that no additiona
[group housing or dwelling units could be addec
[to the subject property since the number o
[dwelling units alone exceeds the density limi
[under the Planning Code, and that Conditiona
[Use Application No(s). 2001.1119C requestin
[a parking exception to add group housing unit
[could not be approved under Planning Cod
[requirements.
[FOR HEARING TODAY.

(13) **APPEAL NO. 02-177**

FOSTER MEDIA, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[1901 Cesar Chavez Street.
[Appealing the denial on September 6, 2002, c
[Permit to Erect a Sign (single poled, doubl
[sided general advertising sign 14'h x 48'w.
[APPLICATION NO. 2002/02/19/9497.
[FOR HEARING TODAY.

(14) **APPEAL NO. 02-178**

JERRY YEE, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[1878 Great Highway.
[Protesting the issuance on August 27, 2002, t
[Elizabeth Foree, Site Permit to Alter a Buildin
[(removal of existing roof, creation of new gabl
[roof with partial 3rd floor loft below
[bathroom/kitchen renovation, and removal c
[lower floor bath).
[APPLICATION NO. 2001/05/01/8062S.
[FOR HEARING TODAY.

ITEMS (15A) & (15B) SHALL BE HEARD TOGETHER:

(15A) **APPEAL NO. 02-179**

CAI XIA GAO, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[330 – 2nd Avenue.
[Protesting the issuance on August 30, 2002, to [Debbie Wong, Permit to Demolish a Building [(3-story, 4-unit building with 1500sf of ground [floor area).
[APPLICATION NO. 2000/02/29/2998.
[FOR HEARING TODAY.

(15B) **APPEAL NO. 02-180**

CAI XIA GAO, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[330 – 2nd Avenue.
[Protesting the issuance on August 30, 2002, to [Debbie Wong, Site Permit to Erect a Building [(3-story, 3-unit building with 1,925sf of ground [floor area).
[APPLICATION NO. 2000/02/29/3001S.
[FOR HEARING TODAY.

(16) **APPEAL NO. 02-181**

STEPHEN HAMNER, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[45 Gladys Street.
[Protesting the issuance on August 28, 2002, to [Ron Albers & Colin Alexander, Site Permit to [Alter a Building (horizontal addition to create a [family room on first floor and a bedroom on [second floor; existing storage and study to be [demolished).
[APPLICATION NO. 2001/03/06/3618S.
[FOR HEARING TODAY.

(17) **APPEAL NO. 02-182**

FREDERICK RENZ, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[1372-1374 Union Street.
[Protesting the issuance on August 27, 2002, to
[Jim Ritchie, Site Permit to Alter a Building (add
[3rd story consisting of living, dining, kitchen and
[terraces; add stair penthouses and terrace at
[roof above 3rd story; extend building at rear at
[basement, 1st and 2nd stories; develop front
[portion of basement for garage and rear portion
[of basement for living, dining & kitchen;
[renovate existing 1st and 2nd floor bedroom and
[relocated bathrooms.
[APPLICATION NO. 2001/03/14/4264S.
[FOR HEARING TODAY.

(18) **APPEAL NO. 02-201**

JAMES VIEGAS, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[91 San Felipe Ave.
[Protesting the issuance on October 2, 2002, to
[Mark Sears & Russell Schrader, Permit to Alter
[a Building (additional information as requested
[by District Building Inspector regarding the
[planters from Building Permit Application No(s).
[2001/12/19/5627; show as built planter wall
[(under rear deck and stair case), correct garage
[roof deck, finished floor elevation).
[APPLICATION NO. 2002/10/02/7981.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: January 9, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 72 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 15, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

Present: President Arnold Y. K. Chin, Vice President Kathleen Harrington, Commissioner Sabrina Saunders, Commissioner Douglas Shoemaker and Commissioner Hisashi Sugaya.

Judith Boyajian, Deputy City Attorney for the City Attorney (DCA); Lawrence Badiner, Zoning Administrator, Planning Department; Laurence Kornfield, Chief Building Inspector, DBI; and Robert Feldman, Executive Secretary for the Board of Appeals; Official Court Reporter, Claudine Woeber.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:** The Board requested that the meeting set for February 12 be cancelled for lack of a quorum and that the appeals scheduled on that date be rescheduled to February 19, 2003.

SPEAKERS: None

(3) **ADDENDUM ITEMS:**

ITEM A: 281 & 285 Edgewood Avenue. Letter from Judith Harding, Appellant(s), requesting rehearing of Appeal No(s). 02-111, Harding vs. ZA, decided October 30, 2002. At that time, upon motion by Commissioner Shoemaker, the Board voted 5-0 to uphold the subject determination. Subject Property Owner(s): Richard & Norma Dennes.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 1-4 (President Chin, Vice President Harrington, & Commissioners Sugaya & Saunders dissented) to grant the rehearing request. Four votes being required to grant a rehearing request, the motion failed, and the request was denied.

SPEAKERS: Judith Harding, Appellant, requested a rehearing of her appeal for the reason she was not present at the hearing as she was out of the country. She said she is supported by several neighbors and that no notice of the hearing had been sent out to those concerned. Jeremy Paul, representing the variance holders said that the Appellant did know of the hearing date and that the Planning Commission and the Supervisors had denied DR over the building permit. He expects

that she will protest the issuance of the permit and that the appeal is moot because the lot has been split already.

ITEM B: 2448 Larkin Street. Letter from Michael Guglielmino, Appellant(s), requesting rehearing of Appeal No(s). 02-195, Guglielmino vs. DBI, decided Dec. 4, 2002. At that time, upon motion by President Chin, the Board voted 5-0 to uphold the subject permit. Permit Holder(s): Primecore. Project: renewal of Building Permit Application No(s). 99257797S, 2000/04/24/7982S1, & 2000/04/24/7982S2.

ACTION: Upon motion by President Chin, the Board voted 5-0 to deny the rehearing request.

SPEAKERS: Judith Boyajian, Deputy City Attorney reported that Mr. Peinado had called her and told her that he was trying to protect his copyright on the plans. Ben Hamburg, representing the permit holder, said that Mr. Peinado is not the appellant in this appeal. Michael Guglielmino, Appellant said that Peinado is in the east on military duty and that the issue here is his desire to protect the copyright on the plans being used by new owner.

No public comment for either side.

ITEM C: 1069 Pennsylvania Avenue. Letter from William Green, attorney for John Tilton, Appellant(s), requesting rehearing of Appeal No(s). 02-103, Tilton vs. ZA, decided Dec. 4, 2002. At that time, upon motion by Commissioner Shoemaker, the Board voted 2-3 (President Chin, Vice President Harrington & Commissioner Saunders dissented) to uphold the permit suspension request by the Zoning Administrator. Four votes being necessary under the City Charter to overturn any departmental action, the permit suspension request by the Zoning Administrator was upheld.

ACTION: Upon motion by President Chin, the Board voted 4-1 (Vice President Harrington dissented) to deny the rehearing request.

SPEAKERS: William Green, attorney for the Appellant said that the action by the Department was not consistent and asked how long does a government agency have to suspend or revoke an issued permit. The court has said a few weeks may be all right but not years.

(4) **APPEAL NO. 01-221**

RANDOLPH & JOANNA GEORGE, Appellant(s)	[355 Lombard Street.
vs.	[Protesting issuance on November 8, 2001, to [Donald Jans, Site Permit to Alter a Building [(install wall, as per plans, on west side of front [yard).
DEPT. OF BUILDING INSPECTION, Respondent	[APPLICATION NO. 2000/07/19/5599S.
PLANNING DEPT. APPROVAL	[PUBLIC HEARING HELD & CLOSED JUNE 26, [2002.
	[FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 2-3 (President Chin, Vice President Harrington & Commissioner Saunders dissented) to uphold the subject permit. Four

votes being required to overturn any departmental action, the motion passed, and the subject permit was upheld.

SPEAKERS: Randolph George, Appellant, said his project is now finished and painted and that he met the conditions imposed by the Board. He feels proposed fence is a spite fence and shouldn't be allowed. Donald Jans, Permit Holder, said he needs the proposed wall to keep out the noise created by the appellant's equipment for the hot tub. He described the history of this dispute. Laurence Kornfield, CBI, DBI reported on his site visit and the nature of the permits involved and said the permits meet the City Code.

(5) **APPEAL NO. 02-020**

DAVID ADAMS, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing denial on January 30, 2002, of [taxicab medallion no(s). 129.
[THE BOARD VOTED 3-2 ON JUNE 12, 2002 [TO DISMISS THE CASE FOR LACK OF [SUBJECT MATTER JURISDICTION. ON [DECEMBER 4, 2002, THE BOARD VOTED [4-0 TO GRANT THE REQUEST FOR [REHEARING.
[FOR REHEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-2 (Vice President Harrington and Commissioner Shoemaker dissented) to dismiss the case for lack of subject matter jurisdiction. Three votes are needed to deny and four votes to grant jurisdiction. Appeal dismissed for lack of jurisdiction.

SPEAKERS: Naomi Little, Executive Director of the Taxi Commission described this appeal of the decision not to add a name to a medallion 23 years after the City action on it. The fact that the decision contained boilerplate language on the Police Department decision letter about the Board appeal process doesn't give the Board jurisdiction over this action and there is no jurisdiction under the Charter for this appeal. The appellant's father purchased the medallion 53 years ago and the family has recouped its cost many times over. Under Prop K names cannot be added to a medallion after the death of the original owner and any witnesses to the events described by the Appellant are now dead. John Feldmann III, attorney for the Appellant said this case was not similar to the Lazar case and that Mary Adams, the widow of the original holder tried to add the names of her two children to the medallion but was wrongly advised by the Police Department that only one name could be added. He referred to the declaration submitted to support his position.

Public Comment for Appellant: Joe Maranz said he understands Mary's frustration in being ill advised and not having both her children's names added to the medallion.

Public Comment for the Taxi Commission: Mark Gruberg of the United Taxi Workers said he believes the Board has jurisdiction over the decision as the Commission's denial of request to add Appellant's name to medallion is the same as a denial of a permit and a denial is clearly appealable to the Board but Appellant is 25 years late in appealing Mary should have appealed at the time the PD refused to add her son's name but she did nothing and Prop K takes precedence and the appeal can't be approved. Ron Walker, a driver said he agrees with the Commission and the

appeal should be denied since this is like a transfer of a medallion which is prohibited by Prop. K. In fact, the main point of Prop K which requires that upon the death of a permit holder the permit goes back to the City for issuance to the next applicant on the list. If appeal is granted people will come out of the woodwork to add names to permits. Inspector Farrell Suslow of the Taxi Detail said that there is no on-going log of people reviewing taxi files but there is a requirement that P.D. staff sit with those reviewing files to prevent items being removed or added to them. Judith Boyajian, DCA, said in her view the Board has no jurisdiction to decide this appeal since this is a matter of adding a name and not granting, denying, suspending or revoking a permit. She said matter had been continued so that jurisdiction issue could be briefed and that three votes could deny jurisdiction and four votes are necessary to grant jurisdiction.

(6) **APPEAL NO. 02-129**

MOHAMMED BAKIR, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the revocation on July 5, 2002, of
[taxicab medallion no. 864.
[RESOLUTION NO. 2002-50.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-1 (Commissioner Sugaya dissented) to overrule the subject revocation on condition that the medallion be suspended for 60 days.

SPEAKERS: Naomi Little for Taxi Commission gave history of Appellant's failure to drive his cab over the past three years and asked Board to uphold this revocation since neither the Appellant nor Yellow could produce the waybills needed to prove the driving requirement was met. Mohammed Bakir, Appellant, said he has been driving a cab for 35 years and this was a case of a misunderstanding since he had driven many shifts over the period in question and it is unfair to revoke his permit.

Public Comment for City: Mark Gruberg of UTW, said that Yellow has good records and that the Appellant can still drive a cab. The revocation takes away a tremendous privilege and that the process has much latitude for driver's problems and there is no excuse for failing to meet the requirement to drive a certain amount of shifts.

Public Comment for Appellant: Nathan Dwiri of Yellow Cab said the Appellant is his own worst witness. He owns his own cab and drives it; Yellow doesn't operate it and he keeps his own records. Now drivers must log in and off and the computer record shows Appellant has driven 200 shifts in 2002, even if he hasn't waybills to prove it. Yellow gives drivers receipts for waybills submitted. Appellant is guilty of being careless and did not try to evade the law. He just doesn't grasp what he must do to meet the Code. Fadel Zarn said he is a driver and that he sees the Appellant driving once or twice each week, and he thinks revocation is unfair. Jim Nakamura of a taxicab association said that there were no guidelines before last year and the rules are inflexible; if you don't drive you are revoked. He said Yellow's records are notorious and when you submit your waybills you don't know if they are kept. Mike Diyana said the Appellant's friend was killed in the cab while driving and it was terribly upsetting to the Appellant who couldn't keep driving with blood on the cab seat. Ray Yagmur said he sees him driving around town.

(7) **APPEAL NO. 02-124**

JOHN McGLYNN, Appellant(s)
vs.

DEPT. OF PUBLIC WORKS, Respondent

[358 Elizabeth Street.
[Appealing the denial on June 28, 2002, of [Permit to Remove & Replace One Tree.
[ORDER NO. 173,603.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to overrule the denial on condition that the subject tree be replaced with a smaller species to be furnished by DPW.

SPEAKERS: Tony Walcott, Acting Urban Forester for DPW said it is a relatively young tree which can be pruned on top and at roots and it adds to the narrow lane which is tree lined and replacement tree wouldn't be expensive and he would try to get one from City nursery. John McGlynn, Appellant said he was told by DPW to repair his sidewalk and he thought he'd replace the tree with one of another more appropriate and smaller species, as his sidewalk is being cracked and pushed up and down by the existing tree as well as the staircase being lifted.

(8) **APPEAL NO. 02-134**

LUIS CAMACHO, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[1738 Lombard Street.
[Protesting the issuance On July 11, 2002, to [Lombard Bay Associates, Permit to Demolish a [Building (two-story commercial building with [6,875sf of ground floor area, & one 1,000sf [apartment above).
[APPLICATION NO. 2001/08/31/7341.
[FOR HEARING TODAY.

ACTION: Appeal withdrawn by the appellant.

(9) **APPEAL NO. 02-171**

PHONG T. NGUYEN
& TRIEU MUOI, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[1671 – 40th Avenue.
[Protesting the issuance on August 26, 2002, to [Can Pei Zhang, Site Permit to Alter a Building [(horizontal rear addition).
[APPLICATION NO. 2001/11/28/4069S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the matter to Feb. 12, 2003 at the request of the parties who did not appear.

SPEAKERS: None.

(10) **APPEAL NO. 02-172**

TOM KATZ, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[1349 Clayton Street.
[Appealing the denial on August 30, 2002, of [Permit to Alter a Building (replace existing steel [with vinyl retrofit – same shape and size; total [20 windows).
[APPLICATION NO. 2002/07/25/2280.
[FOR HEARING TODAY.

ACTION: Appeal rescheduled to March 19, 2003 at the request of the parties prior to the meeting.

(11) **APPEAL NO. 02-174**

FRESH ORGANICS INC.
dba "THOM'S NATURAL FOODS", Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[5843 Geary Boulevard.
[Appealing a determination dated August 21, [2002, addressed to Timothy Hinrichs at Fresh [Organics Inc., that an Alcoholic Beverage [Control (ABC) License Type 20 ("Off Sale Beer [& Wine") cannot be approved for the retail [grocery/specialty food store at the subject [property because Planning Code § 790.55 [prohibits the establishment of liquor stores in [the NC-3 zoning district.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the subject determination with a finding that the proposed use is an accessory use under Planning Code § 729.95(c), which is in conflict with § 790.55, and on condition that the sale of organic beer & wine be limited to 2% of gross retail floor/shelf space.

SPEAKERS: Jim Nixon, Chief of Neighborhood Planning speaking for the ZA, explained that the Planning Code is clear and no retail store with an ABC No. 20 04 21 alcoholic beverage license is permitted in this zoning district with no exceptions. The Supervisors evaded this amendment at the behest of neighborhoods which strongly oppose any new liquor stores. Some districts can have them as conditional uses but none in NC-3 at all. Bruce Remund of Thom's Natural foods said that this neighborhood is right for sale of organic alcoholic beers and wines and they will have a small shelf area for them, only 4 x 6 feet in a store with 4,000 gsf. All products on four feet of shelving. Harry O'Brien representing the appellant described the proposed use as just a minor related accessory use which is permitted under the Planning Codes. There will be no proliferation since this use is being transferred from the Haight and there is no net increase in liquor stores, since this is just for organic beer and wine. His client will accept reasonable conditions to restrict the use.

No public comment for either side.

(12) **APPEAL NO. 02-176**

SIMON KONG & YING-AH KONG, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[2114-2118 Mission Street.
[Appealing a determination dated August 22, [2002, addressed to Van Ly, that no additional [group housing or dwelling units could be added [to the subject property since the number of [dwelling units alone exceeds the density limit [under the Planning Code, and that Conditional [Use Application No(s). 2001.1119C requesting [a parking exception to add group housing units [could not be approved under Planning Code [requirements.
[FOR HEARING TODAY.

ACTION: Appeal rescheduled to April 23, 2003 at the request of the parties prior to the meeting.

(13) **APPEAL NO. 02-177**

FOSTER MEDIA, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[1901 Cesar Chavez Street.
[Appealing the denial on September 6, 2002, of [Permit to Erect a Sign (single poled, double [sided general advertising sign 14'h x 48'w.
[APPLICATION NO. 2002/02/19/9497.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to reschedule the hearing to Feb. 12, 2003 at the request of the parties who did not appear.

(14) **APPEAL NO. 02-178**

JERRY YEE, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[1878 Great Highway.
[Protesting the issuance on August 27, 2002, to [Elizabeth Foree, Site Permit to Alter a Building [(removal of existing roof, creation of new gable [roof with partial 3rd floor loft below, [bathroom/kitchen renovation, and removal of [lower floor bath).
[APPLICATION NO. 2001/05/01/8062S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to uphold the subject permit with the settlement as read into the record by the permit holder's agent.

SPEAKERS: Jerry Yee, Appellant said his house was designed by Daniel Solomon and he is just trying to protect its light, air, views and privacy by a minor change in the proposed roofline, but the Permit Holder refuses to compromise. He just asks that roof be lowered two or three feet in front, just a small notch to mitigate the effect. Ralph Henson, Permit Holder and co-owner with Elizabeth Foree, said they chose a design that has the least impact on the neighbors. He asked the Board to uphold his permit with the plans approved by the Planning Commission on January 24, 2002.

No public comment for either side.

ITEMS (15A) & (15B) SHALL BE HEARD TOGETHER:

(15A) **APPEAL NO. 02-179**

CAI XIA GAO, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[330 – 2nd Avenue.
[Protesting the issuance on August 30, 2002, to [Debbie Wong, Permit to Demolish a Building [(3-story, 4-unit building with 1500sf of ground [floor area).
[APPLICATION NO. 2000/02/29/2998.
[FOR HEARING TODAY.

(15B) **APPEAL NO. 02-180**

CAI XIA GAO, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[330 – 2nd Avenue.
[Protesting the issuance on August 30, 2002, to [Debbie Wong, Site Permit to Erect a Building [(3-story, 3-unit building with 1,925sf of ground [floor area).
[APPLICATION NO. 2000/02/29/3001S.
[FOR HEARING TODAY.

ACTION: Hearing rescheduled to Feb. 26, 2003 prior to the meeting at the request of the parties.

SPEAKERS: None.

(16) **APPEAL NO. 02-181**

STEPHEN HAMNER, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[45 Gladys Street.
[Protesting the issuance on August 28, 2002, to
[Ron Albers & Colin Alexander, Site Permit to
[Alter a Building (horizontal addition to create a
[family room on first floor and a bedroom on
[second floor; existing storage and study to be
[demolished).
[APPLICATION NO. 2001/03/06/3618S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 5-0 to uphold the subject permit.

SPEAKERS: Steve Hammer, Appellant, described how the proposed project will impact his privacy on his deck. He said he felt the negotiation about the design was in bad faith and resulted in a project that was larger, not smaller. Phil Matthews, architect for the permit holders described the addition proposed as small with only 500 sf footprint ad two stories in height, for which his clients have been in the permit process for two years. He said the project results in mid-block open space being maintained. Jim Nixon representing the Planning Department said that the proposal complies with the Residential Design Guidelines and the special Bernal Heights Design Guidelines and the Planning Commission approved the project with no revisions required.

No public comment for either side.

(17) **APPEAL NO. 02-182**

FREDERICK RENZ, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[1372-1374 Union Street.
[Protesting the issuance on August 27, 2002, to
[Jim Ritchie, Site Permit to Alter a Building (add
[3rd story consisting of living, dining, kitchen and
[terraces; add stair penthouses and terrace at
[roof above 3rd story; extend building at rear at
[basement, 1st and 2nd stories; develop front
[portion of basement for garage and rear portion
[of basement for living, dining & kitchen;
[renovate existing 1st and 2nd floor bedroom and
[relocated bathrooms.
[APPLICATION NO. 2001/03/14/4264S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to uphold the subject permit.

SPEAKERS: Frederick Renz, Appellant, described the effects of the proposed three-level addition on his views of the Golden Gate Bridge, which will result in the decrease in value of his condo.

Steven Vettel, attorney for the permit holder said the Appellant's remedy is against the seller and not his client, whose plans comply with the Codes and should be upheld. He reminded the Board that under California law private view easements cannot be created by the City for the benefit of a neighboring owner. The Codes don't protect views. Project is in character with the neighborhood and meets the RDG as well as the Codes. His client is creating a garage in the basement without increasing the height of the building, which is a two-family and will remain a two-family.

No public comment for either side.

(18) **APPEAL NO. 02-201**

JAMES VIEGAS, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[91 San Felipe Ave.
[Protesting the issuance on October 2, 2002, to
[Mark Sears & Russell Schrader, Permit to Alter
[a Building (additional information as requested
[by District Building Inspector regarding the
[planters from Building Permit Application No(s).
[2001/12/19/5627; show as built planter wall
[(under rear deck and stair case), correct garage
[roof deck, finished floor elevation).
[APPLICATION NO. 2002/10/02/7981.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the hearing to Feb. 5, 2003.

SPEAKERS: None.

No public comment for either side.

There being no further business President Chin adjourned the meeting at 10:00 p.m.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 833-7561

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

REGULAR MEETING - WEDNESDAY, JANUARY 22, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **ELECTION OF OFFICERS:**

(3) **COMMISSIONERS COMMENTS & QUESTIONS:**

(4) **ADDENDUM ITEMS:**

ITEM A: 659 Greenwich Street. Letter from Gary Ittig, Requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2002/12/06/2976. Permit Holder(s): Will Muenke. Project: enlarge garage door and slope garage slab.

Date Permit Issued:	December 6, 2002
Last Day to Appeal:	December 23, 2002
Jurisdiction Request Received:	December 27, 2002

ITEM B: 2282 – 28th Avenue. Letter from Like Liu & Jianli Lu, Requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2002/11/12/1225. Permit Holder(s): Cheng Lee. Project: remove illegal unit at ground floor; remove non-bearing partitions, kitchen, toilet and closet; create new closet.

Date Permit Issued:	November 12, 2002
Last Day to Appeal:	November 27, 2002
Jurisdiction Request Received:	January 6, 2003

DOCUMENTS DEPT.

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(5) **APPEAL NO. 02-187**

LOUISE HUEN, Appellant(s)
vs.

DEPT. OF PUBLIC WORKS, Respondent

[1066 Filbert Street.
[Appealing the conditions requiring replacement [of one or both trees, placed on a Permit to [Remove Two (2) Trees.
[ORDER NO. 173,692.
[FOR HEARING TODAY.

(6) **APPEAL NO. 02-079**

BABA-MALOUF PROPERTIES, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1596 Howard Street.
[Appealing a determination dated April 25
[2002, addressed to Joel Yodowitz at Reuben &
[Alter, that the Job Housing Linkage Program
[(JHLP) Ordinance fee is applicable to the ne
[addition of office space proposed, and that th
[Certificate of Final Completion & Occupanc
[cannot be issued until the JHLP fee is paid i
[full.
[PUBLIC HEARING HELD & CLOSE
[JUNE 19, 2002.
[FOR FURTHER CONSIDERATION TODAY.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 02-122**

MICHAEL HAMMAN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent

[702 Earl Street.
[Appealing the suspension on June 26, 2002,
[Building Permit Application No(s
[2002/06/21/9728 for the reason that the subje
[permit was issued based upon inaccura
[information.
[FOR HEARING TODAY.

(7B) **APPEAL NO. 02-173**

JOE CASSIDY, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[702 Earl Street.
[Appealing a determination dated August 1
[2002, addressed to Bruce Bonacker, that unc
[§ 307(a) of the Planning Code the existi
[accessory residential use of the subje
[property is a legal use.
[FOR HEARING TODAY.

(8) **APPEAL NO. 02-185**

COMMITTEE FOR
THE PRESERVATION
OF CHINATOWN, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent

[731-749 Commercial Street.
[Protesting the issuance on September 9, 20
[to the Charity Cultural Services Center, Per
[to Alter a Building (revision to Building Per
[Application No(s). 2001/10/31/2145, change
[structural plans, architecture to stay the same
[APPLICATION NO. 2002/05/02/5561.
[FOR HEARING TODAY.

(9) **APPEAL NO. V02-192**

BEATRICE KRIVETSKY, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[1979-1981 Broadway.
[Protesting the granting, on September 13, [2002, to Dick & Julianna Glumac, Rear Yard [Variance (to allow a three-story addition at the [rear of the existing three-story, two-family [building).
[VARIANCE CASE NO. 2002.0243V
[FOR HEARING TODAY.

(10) **APPEAL NO. V02-193**

KEITH DICKINSON, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[2065 – 14th Avenue.
[Appealing the condition(s) imposed on a Rear & [Side Yard Variance (to legalize the existing [non-conforming 4 foot 5 inch high deck and [retaining wall located in the required rear yard [and side setback on condition that the illegally [constructed non-complying second-story rear [deck be removed, and that the railings for the [lower level deck and stairs be kept open).
[VARIANCE CASE NO. 2002.0364V.
[FOR HEARING TODAY.

ITEMS (11A) & (11B) SHALL BE EHARD TOGETHER:

(11A) **APPEAL NO. 02-196**

RONALD
& CHERYL KARPOWICZ, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[326 – 28th Avenue.
[Protesting the issuance on September 20, [2002, to Julie Lee, Permit to Demolish a [Building (two-story, one-unit building with [1200sf of ground floor area).
[APPLICATION NO. 9920289.
[FOR HEARING TODAY.

(11B) **APPEAL NO. 02-197**

RONALD
& CHERYL KARPOWICZ, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[322 – 28th Avenue.
[Protesting the issuance on September 20, [2002, to Julie Lee, Permit to Demolish a [Building (two-story, one-unit building with [1200sf of ground floor area).
[APPLICATION NO. 9920291.
[FOR HEARING TODAY.

ITEMS (12A) & (12B) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 02-199**

VIACOM OUTDOOR, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[900 Evans Avenue.
[Appealing the denial on Sept. 27, 2002, c
[Permit to Erect a Sign (single pole, double
[faced flag sign, 14' high X 48' long, with 1,344
[of total surface area).
[APPLICATION NO. 2002/03/18/1694.
[FOR HEARING TODAY.

(12B) **APPEAL NO. 02-200**

VIACOM OUTDOOR, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[2325 Jerrold Avenue.
[Appealing the denial on Sept. 27, 2002, c
[Permit to Erect a Sign (single pole, cente
[mounted sign, 14' high X 48' long, with 1,344
[of total surface area).
[APPLICATION NO. 2002/03/20/1962.
[FOR HEARING TODAY.

(13) **APPEAL NO. 02-202**

JEFFREY NORRIS, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[41 Josiah Avenue.
[Protesting the issuance on October 1, 2002,
[Orette Broderick, Site Permit to Alter a Buildir
[(3-story addition to the rear of the existir
[2-story structure).
[APPLICATION NO. 2001/12/26/5893S.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holde Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determinatic resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: January 16, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 72 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 22, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

Present: President Arnold Y. K. Chin, Vice President Kathleen Harrington, Commissioner Sabrina Saunders, Commissioner Douglas Shoemaker and Commissioner Hisashi Sugaya.

Judith Boyajian, Deputy City Attorney for the City Attorney (DCA); Lawrence Badiner, Zoning Administrator, Planning Department; Leo McFadden, Senior Building Inspector, DBI; and Robert Feldman, Executive Secretary for the Board of Appeals; Official Court Reporter, Claudine Woeber.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None

(2) **ELECTION OF OFFICERS:**

ACTION: Upon motion by Commissioner Saunders, the Board voted 5-0 to re-elect Arnold Chin as President. Then, upon motion by Commissioner Sugaya, the Board voted 5-0 to re-elect Kathleen Harrington as Vice President. Afterwards, upon motion by President Chin, the Board voted 5-0 to elect Doug Shoemaker the alternate Vice President.

(3) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None

(4) **ADDENDUM ITEMS:**

ITEM A: 659 Greenwich Street. Letter from Gary Ittig, Requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2002/12/06/2976. Permit Holder(s): Will Muenke. Project: enlarge garage door and slope garage slab.

Date Permit Issued:	December 6, 2002
Last Day to Appeal:	December 23, 2002
Jurisdiction Request Received:	December 27, 2002

ACTION: Upon motion by President Chin, the Board voted 5-0 to deny jurisdiction.

SPEAKERS: Gary Ittig asked the Board to allow him to file a late appeal because he had no notice of the project being built next door until the construction began and the jackhammers began to pound away. John Shrader said that the developer had followed all the required procedures and that Section 311 Notification was not required for this project. Leo McFadden, Senior Building Inspector for DBI, said that proper posting had been done and appeals can be made on a new permit that is being required. Lawrence Badiner, ZA, explained the Block Book Notation process which ensures that notice is sent to people requesting it for any permit applied for.

ITEM B: 2282 – 28th Avenue. Letter from Like Liu & Jianli Lu, Requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2002/11/12/1225. Permit Holder(s): Cheng Lee. Project: remove illegal unit at ground floor; remove non-bearing partitions, kitchen, toilet and closet; create new closet.

Date Permit Issued:	November 12, 2002
Last Day to Appeal:	November 27, 2002
Jurisdiction Request Received:	January 6, 2003

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to grant jurisdiction.

SPEAKERS: Like Liu, requestor, said that he received a 30-day eviction notice from his landlord which included the permit. He said he had signed a contract for the unit that apparently is illegal. He said no compensation has been offered and eviction would be a great hardship for him. Rev. Arnold Townsend for Cheng Lee, the owner, said that his client had received a Notice of Violation and he can be fined $2,000 a day if he failed to do work. Leo McFadden, Senior Building Inspector for DBI said that the problem with the unit is its substandard ceiling height.

(5) **APPEAL NO. 02-187**

LOUISE HUEN, Appellant(s)
vs.
DEPT. OF PUBLIC WORKS, Respondent

[1066 Filbert Street.
[Appealing the conditions requiring replacement [of one or both trees, placed on a Permit to [Remove Two (2) Trees.
[ORDER NO. 173,692.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to overrule the Department, grant the permit on condition that the 2 trees be replaced by one tree of a smaller species.

SPEAKERS: Tony Walcott, Acting Urban Forester, said that this ficus is too big a species and that it should be replaced with two trees of a more appropriate species like a strawberry tree. Louise Huen, Appellant, said that the present tree is causing her mother substantial money for plumbing and sidewalk repairs and she doesn't want any replacement trees since they will grow and cause damage later. She said this ficus is the second replacement tree here.

(6) **APPEAL NO. 02-079**

BABA-MALOUF PROPERTIES, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1596 Howard Street.
[Appealing a determination dated April 25, [2002, addressed to Joel Yodowitz at Reuben & [Alter, that the Job Housing Linkage Program [(JHLP) Ordinance fee is applicable to the net [addition of office space proposed, and that the [Certificate of Final Completion & Occupancy [cannot be issued until the JHLP fee is paid in [full.
[PUBLIC HEARING HELD & CLOSED [JUNE 19, 2002.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to continue the case to Jan. 29, 2003.

SPEAKERS: None

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 02-122**

MICHAEL HAMMAN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[702 Earl Street.
[Appealing the suspension on June 26, 2002, of [Building Permit Application No(s). [2002/06/21/9728 for the reason that the subject [permit was issued based upon inaccurate [information.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to overrule the suspension on condition that the appellant file an amended Building Permit Application to correct all Building Code violations to date (Jan. 22, 2003).

(7B) **APPEAL NO. 02-173**

JOE CASSIDY, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[702 Earl Street.
[Appealing a determination dated August 19, [2002, addressed to Bruce Bonacker, that under [§ 307(a) of the Planning Code the existing [accessory residential use of the subject [property is a legal use.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 2-2-1 (Commissioners Shoemaker & Sugaya dissented, Commissioner Saunders absent) to overrule the subject determination. Four votes being required under the Charter to overturn or modify any departmental action, the motion failed, and the subject determination was upheld.

SPEAKERS: (7A & B) Leo McFadden, SBI for DBI, said the permit was issued in error before the complete records for the property were received and that the plans omit the horizontal addition. Andrew Zacks, attorney for Appellant, submitted a letter from Robert Passmore and asked why Chief Inspector Kornfield was present to represent the Department as he usually does. He understood that the Department Manager had instructed him not to be here. He gave a history of the building and asked the Board to lift the suspension.

Public Comment for the Department: Alice Barkley said that review of all permits show that there are no residential units in the building. Joe O'Donoghue said it had never been a legal use and that the Appellant hadn't gone through the process to legalize the unit.

Public Comment for the Appellant: Cathy Barbour said that the previous witness had threatened and brow beat the Commissioners and that the appellant has been unfairly targeted and he is dearly loved in the neighborhood. Ken Cleaveland said he is a friend of the Appellant and said Mr. Kornfield and the Appellant are men of great integrity and that the Board shouldn't revoke what has been granted. John Aldrich said he had worked in the building. He said when building was a crack house the City didn't care but now that someone is renovating it and living there the City cares. Dr. Paul Davis Nobis said he had bought the building and had rented the apartment. Jill Fox said there is no opposition to the Appellant just support from the neighbors and the association because the Appellant has rejuvenated the building. Patrick Buscovich said that no notice had been given about the deck but that no Section 311 notice was required and there were no structural additions nor any increase of the floor area which would have triggered Section 311 requirements. Dan Dote listed the neighborhood improvement organizations the Appellant participates in. Wendy Coxen said the area is of mixed use and run down and she applauded his fixing up his building. Monica Henschke an artist in Noe Valley and friend of Appellant said she supports him. Mr. Zacks asked those in the audience to stand up who support d the Appellant but were willing to waive their right to testify and approximately twenty-five people stood. Bruce Bonacken, architect for the Appellant showed a photo which he said was made in 1937 and showed the building as it was

Larry Badiner, ZA, explained his determination and said he had made it after Mr. Kornfield had reported on a site visit and that in his experience Mr. Kornfield was very thorough, and the Planning Department had signed off on the permit which now clarifies the records. The unit is either an accessory use unit or an automatic conditional use, and it was apparently created when such units were permitted under the Code. Now a conditional use authorization would be necessary to create a new residential use, and those lawfully existing are deemed automatic CVs that are grandfathered in. Andrew Zacks said that if he attempted the CV process now the Commission would likely deny the application because the lot is in the IPZ and a new CV would trigger many new requirements that are not warranted and could cost more than $100,000. He said the Determination Holder is a caretaker of the building and the unit is an accessory use. Michael Hamman, Determination Holder, said the building has always been three stories and that he has followed all the rules and his permit was signed off. After which he spent much money to renovate this abandoned derelict that depressed the area.

Alice Barkley, attorney for Joe Cassidy, Appellant, said that if the use has been abandoned for three years he must apply for new permit and CU. She feels that Mr. Kornfield made a mistake in signing off on permit and there is no evidence of continuous residential use of the property, while live-work units are no longer permitted. She said the residential use was abandoned from 1991 to 1998.

Public Comment for Zoning Administrator: Pat Buscovich said that there are no building records before 1906 because of the earthquake and fire and only very bad and incomplete records since that time. Michael Hamman said that between 1991 and 1998 the building was a crack house which should be considered a residential use. She asked the Board for leniency. [Mr. Zacks said that there were twelve more witnesses who waived their right to speak and who stood up.] Lucian Blazej said that there is a Code distinction between a caretaker's unit and a residential use and that an M district does allow a caretaker's unit.

Public Comment for Appellant: Joe O'Donoghue, said the issue is whether the pre-existing use is a legal use and the owner can't establish that the unit is a legal use existing in the building so he should have to go through the same process everyone else must to legalize. Sean McNulty, Chief Inspector for DBI, said in answer to a Board question about why Mr. Kornfield approved the permit said that it was approved based on the site visit but before a thorough review of the records had been made which showed that the unit is not a legal use. He said it is unusual for a Chief Inspector to sign off on a permit and here there appears to be a conflict of interest so the Department sent Senior Inspector Leo McFadden to the Board tonight. He said signing off permits is not in the job description of a Chief Inspector.

(8) **APPEAL NO. 02-185**

COMMITTEE FOR THE PRESERVATION OF CHINATOWN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[731-749 Commercial Street.
[Protesting the issuance on September 9, 2002, [to the Charity Cultural Services Center, Permit [to Alter a Building (revision to Building Permit [Application No(s). 2001/10/31/2145, change in [structural plans, architecture to stay the same). [APPLICATION NO. 2002/05/02/5561. [FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 5-0 to uphold the subject permit.

SPEAKERS: Judith Boyajian, DCA, said that Commissioner Sugaya has no conflict of interest in this matter and needn't be recused so long as he can remain impartial and render a fair decision. Jason Bley, Appellant, gave a history of the project and explained how the permit holder has failed to meet the notice requirements and has failed to meet the requirements of Section 106. He wants to preserve the historic architectural integrity of the façade of the building. David Cincotta, attorney for the Permit Holder, described the mission of the Permit Holder and said the project will not impact the façade of the building at all. He said the project is to expand the kitchen for training immigrants for jobs in the food service industry, but they can't afford a consultant to help them get a permit. He said this is only the first phase of project and there should be an overall plan to do whole project. Lawrence Badiner, ZA, said he spoke to the landmark planner who said that the project has been reviewed under Section 106 regarding the ground floor storefront. He said the Secretary of the

Interior does allow replacements of storefronts so long as they are in character though he understands the Appellant wants a restoration of the façade not a replacement.

Public Comment for the Appellant: Howard Wong, architect, said that the building has been altered over the years and Chinatown's its character is eroding bit by bit and its character lost. He said the Appellant cleaned out the basement himself and he is beloved in the neighborhood. He said the economic decline of Chinatown is due to a lack of comprehensive look at it as a whole. Jeffrey Wong said his grandfather had owned a business in Chinatown and was called Mr. Chinatown. He feels the building has historical significance and he read a passage from a book by a social historian who supports his arguments.

Public Comment for Permit Holder:

Daniel Hom, civil engineer, said that the facade will not be changed and the building's appearance will remain intact. Bill Wong, of Carpenter's Local 22 said he supports the permit holder because it helps immigrants to get into the building industry. Michael Lum said the permit holder's job training is very successful which is important in economy of today. Brian Chen said he was a student at Charity Service Cultural Center and got good training there. Tong Cheung said CSCC comes from the heart and is terrific for Chinatown. Translator Carmen Ho for other witnesses, Ka Sing Wong and Leung Kam Yin, said that there were immigrants who found jobs and started restaurant businesses with the training they got at CCSC and strongly supported it.

(9) **APPEAL NO. V02-192**

BEATRICE KRIVETSKY, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1979-1981 Broadway.
[Protesting the granting, on September 13, [2002, to Dick & Julianna Glumac, Rear Yard [Variance (to allow a three-story addition at the [rear of the existing three-story, two-family [building).
[VARIANCE CASE NO. 2002.0243V
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (Commissioner Saunders absent) to overrule variance in part concerning the 2nd and 3rd floors, and to uphold the variance in part concerning the 1st floor, with bay windows allowed for the 2nd and 3rd floors.

SPEAKERS: Beatrice Krivetsky, Appellant, said that the addition doubles the size of the house and that Requirement Four (4) hasn't been met since the addition will have a very detrimental affect on units 22 and 32 of the adjacent building and will block sunlight from crucial windows. She said a variance was not essential and that an addition could be made with less effect on neighbors. Lucian Blazej, consultant to the Variance Holders said the Appeal is frivolous since the variance allowed so little and the project is minor. The addition is needed for extra rooms for visiting grandchildren and a home office and it will provide mid-block open space. Dick Glumac, Variance Holder, said there is 10 ½ feet of separation between the buildings and without the proposed addition the space is just big enough for a rat's nest.

Public Comment for Zoning Administrator: Alice Barkley said there are no arguments that the ZA is wrong and his decision was not erroneous, and the east facing windows are blocked by tall apartments houses.

Public Comment for Appellant: Robert Humphries, tenant next door whose windows will be blocked by the proposed addition said his window will be dark all day long. He said a bay window would have less impact on him. Dan Phipps, architect for project asked the Board to allow the Variance which will have minimum impact on neighbors. He said he hadn't understood that he should bring plans with him. He said reducing the size of the addition would be a hardship for his client. He said the addition is up to the retaining wall at the 2 foot 9 inch dimension and it provides a savings to the owner.

(10) **APPEAL NO. V02-193**

KEITH DICKINSON, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[2065 – 14th Avenue.
[Appealing the condition(s) imposed on a Rear & [Side Yard Variance (to legalize the existing [non-conforming 4 foot 5 inch high deck and [retaining wall located in the required rear yard [and side setback on condition that the illegally [constructed non-complying second-story rear [deck be removed, and that the railings for the [lower level deck and stairs be kept open).
[VARIANCE CASE NO. 2002.0364V.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the case to March 5, 2003.

SPEAKERS: None.

ITEMS (11A) & (11B) SHALL BE EHARD TOGETHER:

(11A) **APPEAL NO. 02-196**

RONALD
& CHERYL KARPOWICZ, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[326 – 28th Avenue.
[Protesting the issuance on September 20, [2002, to Julie Lee, Permit to Demolish a [Building (two-story, one-unit building with [1200sf of ground floor area).
[APPLICATION NO. 9920289.
[FOR HEARING TODAY.

(11B) **APPEAL NO. 02-197**

RONALD & CHERYL KARPOWICZ, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[322 – 28th Avenue.
[Protesting the issuance on September 20, [2002, to Julie Lee, Permit to Demolish a [Building (two-story, one-unit building with [1200sf of ground floor area).
[APPLICATION NO. 9920291.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-1 (Vice President Harrington dissented) to reschedule the case to Jan. 29, 2003, with the appellant's documents to be turned in the next day by 4pm, and the permit holder's rebuttal due directly to the Board, DBI, and Planning Department the following Monday by 4pm.

SPEAKERS: None

ITEMS (12A) & (12B) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 02-199**

VIACOM OUTDOOR, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[900 Evans Avenue.
[Appealing the denial on Sept. 27, 2002, of [Permit to Erect a Sign (single pole, double-[faced flag sign, 14' high X 48' long, with 1,344sf [of total surface area).
[APPLICATION NO. 2002/03/18/1694.
[FOR HEARING TODAY.

(12B) **APPEAL NO. 02-200**

VIACOM OUTDOOR, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[2325 Jerrold Avenue.
[Appealing the denial on Sept. 27, 2002, of [Permit to Erect a Sign (single pole, center [mounted sign, 14' high X 48' long, with 1,344sf [of total surface area).
[APPLICATION NO. 2002/03/20/1962.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the case to Feb. 26, 2003 at the request of the parties.

SPEAKERS: None

(13) **APPEAL NO. 02-202**

JEFFREY NORRIS, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[41 Josiah Avenue.
[Protesting the issuance on October 1, 2002, to
[Orette Broderick, Site Permit to Alter a Building
[(3-story addition to the rear of the existing
[2-story structure).
[APPLICATION NO. 2001/12/26/5893S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the subject permit with adoption of revised plans dated Jan. 15, 2003.

SPEAKERS: Jeffrey Norris, Appellant, asked the Board to uphold the permit with the revisions dated January 15, 2003, which are acceptable to him. James Rizzo, appearing for the Permit Holder said that the parties had reached an agreement and he asked the Board to uphold the permit with the plan dated January 15, 2003 attached.

No public comment for either side.

There being no further business President Chin adjourned the meeting at 11:10 p.m.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 833-7561.

DOCUMENTS DEPT.

JAN 24 2003

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

REGULAR MEETING - WEDNESDAY, JANUARY 29, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

2) **COMMISSIONERS COMMENTS & QUESTIONS:**

3) **ADDENDUM ITEMS:**

ITEM A: 60-80 Broadway. Letter from Brett Gladstone, attorney for Sailing Billboards Outdoor Media, Appellant. requesting rehearing of Appeal No(s). 01-154, Sailing Billboards vs. DBI, decided December 18, 2002. At that time, upon motion by Commissioner Sugaya, the Board voted 3-2 (Vice President Harrington & Commissioner Saunders dissented) to uphold the revocation of the subject sign permit.

ITEM B: 3873-3875 – 17th Street. Letter from Pedro Merel, Appellant(s), requesting rehearing of Appeal No(s). 02-149, Merel vs. DBI, PDA, decided Dec. 18, 2002, At that time, upon motion by Commissioner Saunders, the Board voted 5-0 to uphold the subject permit. Permit Holder(s): Andrew Goldfarb & Chris Nordquist. Project: rear addition onto 3-story residence.

ITEM C: 724 Van Ness Avenue. Letter from Molly Hopp, Agent for Appellant(s) Opera Plaza Homeowner's Association, requesting rehearing of Appeal No(s). V02-163, Opera Plaza HOA vs. ZA, decided December 18, 2002. At that time, upon motion by Commissioner Saunders, the Board voted 5-0 to uphold the subject variance and modifications, on condition that a car usage survey be performed, to be paid by the variance holder but to be directed by Planning staff, with findings to be prepared by the variance holder's attorney and to be adopted at a later date. Variance Holder(s): 724 Van Ness Associates LLC.

ITEM D: 2010 Divisadero Street. Letter from David Knudsen, Appellant(s), requesting rehearing of Appeal No(s). 02-137, Knudsen vs. DBI, PDA, decided Dec. 18, 2002. At that time, upon motion by President Chin, the Board voted 5-0 to uphold the permit with the following condition(s): a) that any illegal billboards be removed on the subject property prior to commencement of construction; b) that the roof be changed to a 1hr fire-rated roof; c) that the façade remain the same; d) and that the entire building be painted after construction, with the back portion to be painted with white reflective paint. Permit Holder(s): Saud Family Trust:

(4) **APPEAL NO. 02-097**

VERNON LIDDELL, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the revocation on May 22, 2002, o
[taxicab medallion no(s). 981.
[THE BOARD VOTED 5-0 ON NOV. 20, 200
[TO UPHOLD THE REVOCATION DUE TO
[NON-APPEARANCE OF APPELLANT OR HIS
[AGENT. ON DEC. 18, 2002, THE BOARD
[VOTED 4-1 TO GRANT THE REQUEST FOR
[REHEARING.
[FOR REHEARING TODAY.

(5) **APPEAL NO. 02-205**

CODY ROBERTSON
dba "LINGBA LOUNGE", Appellant(s)
vs.

POLICE DEPT., Respondent

[1469 - 18th Street.
[Appealing the denial on October 7, 2002, o
[Place of Entertainment Permit.
[FOR HEARING TODAY.

(6) **APPEAL NO. 01-196**

ATON WYDLER, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1379 – 3RD Avenue.
[Appealing a determination dated October 1
[2001, that use of the subject property as a
[unit residential building is not permitted und
[the Planning Code, and is not considered to b
[a legal non-conforming use under Plannir
[Code Sections 180 through 185.
[THE BOARD VOTED 4-0 ON JAN. 30, 200
[TO OVERRULE THE SUBJEC
[DETERMINATION & TO ADOPT FINDING
[SUBMITTED BY THE APPELLANT
[ATTORNEY. ON DEC. 4, 2002, THE BOAR
[VOTED 5-0 TO GRANT THE REQUEST FO
[REHEARING.
[FOR REHEARING TODAY.

(7) **APPEAL NO. 02-079**

BABA-MALOUF PROPERTIES, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1596 Howard Street.
[Appealing a determination dated April 25, [2002, addressed to Joel Yodowitz at Reuben & [Alter, that the Job Housing Linkage Program [(JHLP) Ordinance fee is applicable to the net [addition of office space proposed, and that the [Certificate of Final Completion & Occupancy [cannot be issued until the JHLP fee is paid in [full.
[PUBLIC HEARING HELD & CLOSED [JUNE 19, 2002.
[FOR FURTHER CONSIDERATION TODAY.

(8) **APPEAL NO. 02-142**

ANTONIO CASTELLUCCI, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING COMMISSION DISAPPROVAL

§ 14 PARTIES: None.

DR REQUESTOR(S): John Wischman.

[2639 – 24th Street.
[Appealing the denial on July 31, 2002, of Permit [to Erect a Building (four-story, six-unit [residential building with 3,200sf of ground floor [area).
[APPLICATION NO. 2000/03/07/3664.
[FOR HEARING TODAY.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 02-196**

RONALD
& CHERYL KARPOWICZ, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[326 – 28th Avenue.
[Protesting the issuance on September 20, [2002, to Julie Lee, Permit to Demolish a [Building (two-story, one-unit building with [1200sf of ground floor area).
[APPLICATION NO. 9920289.
[FOR HEARING TODAY.

(9B) **APPEAL NO. 02-197**

RONALD
& CHERYL KARPOWICZ, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[322 – 28th Avenue.
[Protesting the issuance on September 20, [2002, to Julie Lee, Permit to Demolish a [Building (two-story, one-unit building with [1200sf of ground floor area).
[APPLICATION NO. 9920291.
[FOR HEARING TODAY.

(10) **APPEAL NO. 02-204**

LEE & RUTH ANN SEWARD,
THOMAS & JODY ROBERTSON,
SYDNEY GOLDSTEIN, STEVE &
BRENDA BOTTUM, & RICK ELLIS, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[2736 Pierce Street.
[Protesting the issuance on October 7, 2002
[to P.Q. & June Chin, Permit to Alter a Buildin
[(sun deck on top of existing roof, 42" high rail
[4X4 post secured to existing structure(roof)).
[APPLICATION NO. 2002/10/07/8421.
[FOR HEARING TODAY.

(11) **APPEAL NO. 02-216**

VERDI CLUB INC., Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[2424 Mariposa Street.
[Appealing a determination dated October 18
[2002, addressed to the Verdi Club, that
[Type 47 (On-Sale General for Bona Fid
[Public Eating Place) liquor license
[prohibited by Planning Code § 781.8(a), whic
[prohibits new establishments in the Missio
[Alcoholic Beverage Special Use Sub Distri
[from selling alcoholic beverages.
[FOR HEARING TODAY.

(12) **APPEAL NO. 02-217**

IDIL URALLI
& NICOLAS ST. HILAIRE, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[1169 Dolores Street.
[Protesting the issuance on October 23, 200
[to David Kline, Permit to Alter a Buildir
[(replace existing bath and plaster in kitche
[with all new drywall insulation and cabinet
[along with updated electrical).
[APPLICATION NO. 2002/10/23/9757.
[FOR HEARING TODAY.

ITEMS (13A), (13B) & (13C) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 02-233**

CHARLES R. THOMAS JR.
& CARLO TARONE, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[412 Lombard Street.
[Protesting the issuance on November 27, 2002,
[to Mahmoud Khosoussi, Site Permit to Alter a
[Building (existing one-story over garage –
[convert to three story over garage).
[APPLICATION NO. 2000/03/03/3468S.
[FOR HEARING TODAY.

(13B) **APPEAL NO. 02-234**

GREG GIACHINO, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[412 Lombard Street.
[Protesting the issuance on November 27, 2002,
[to Mahmoud Khosoussi, Site Permit to Alter a
[Building (existing one-story over garage –
[convert to three story over garage).
[APPLICATION NO. 2000/03/03/3468S.
[FOR HEARING TODAY.

(13C) **APPEAL NO. 02-235**

BARBARA FONG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[412 Lombard Street.
[Protesting the issuance on November 27, 2002,
[to Mahmoud Khosoussi, Site Permit to Alter a
[Building (existing one-story over garage –
[convert to three story over garage).
[APPLICATION NO. 2000/03/03/3468S.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: Jan. 23, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials revocations and suspensions the representatives of the department, board, commission or perso from whose order the appeal is taken shall speak first and shall be allowed seven minutes for thei presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minute for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes t present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seve minutes to present oral argument and three minutes for rebuttal. The Board may request departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to thre minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the dat of hearing. In the event that a matter is continued to a specific date by the presiding officer an announced to the parties in the hearing room, no additional mailed notice will be sent. Please ca the Board office at 575-6880 for scheduling or other information during regular business hours, visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Boar should be addressed to the Board President, and be received at the Board office, 1660 Missio Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled publ hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of th Sunshine Task Force, the San Francisco Public Library, and on the City's website a www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative actio may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmenta Conduct Code § 2.100] to register and report lobbying activity. For more information about th Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web sit www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counte

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 29, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

Present: President Arnold Y. K. Chin, Vice President Kathleen Harrington, Commissioner Sabrina Saunders, Commissioner Douglas Shoemaker and Commissioner Hisashi Sugaya.

Judith Boyajian, Deputy City Attorney for the City Attorney (DCA); Lawrence Badiner, Zoning Administrator, Planning Department; Laurence Kornfield, Chief Building Inspector, DBI; and Robert Feldman, Executive Secretary for the Board of Appeals; Official Court Reporter Claudine Woeber.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Jeremy Paul reported to the Board on the problem SOMARTS is having getting a permit from the Police Department. Heather Villasenor reported to the Board on the problem she and other neighbors are having in dealing with City Departments about the easement for the project at 2311 19th Street. Steven Casey said it was a sad day that the project at 2311 19th Street was approved.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None

(3) **ADDENDUM ITEMS:**

ITEM A: 60-80 Broadway. Letter from Brett Gladstone, attorney for Sailing Billboards Outdoor Media, Appellant, requesting rehearing of Appeal No(s). 01-154, Sailing Billboards vs. DBI, decided December 18, 2002. At that time, upon motion by Commissioner Sugaya, the Board voted 3-2 (Vice President Harrington & Commissioner Saunders dissented) to uphold the revocation of the subject sign permit.

ACTION: Rehearing request withdrawn prior to meeting.

SPEAKERS: None

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ITEM B: 3873-3875 – 17th Street. Letter from Pedro Merel, Appellant(s), requesting rehearing of Appeal No(s). 02-149, Merel vs. DBI, PDA, decided Dec. 18, 2002. At that time, upon motion by Commissioner Saunders, the Board voted 5-0 to uphold the subject permit. Permit Holder(s): Andrew Goldfarb & Chris Nordquist. Project: rear addition onto 3-story residence.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to deny the rehearing request.

SPEAKERS: Pedro Merel, Appellant asked the Board to grant him a rehearing for the reasons set forth in his request letter. John Lum, project architect objected to the request and asked the Board to deny the request since no new evidence was being offered and the appeal had had a full hearing already. Lawrence Badiner, ZA, explained the Planning Code provision for rear yard averaging as they apply to this appeal.

ITEM C: 724 Van Ness Avenue. Letter from Molly Hopp, Agent for Appellant(s) Opera Plaza Homeowner's Association, requesting rehearing of Appeal No(s). V02-163, Opera Plaza HOA vs. ZA, decided December 18, 2002. At that time, upon motion by Commissioner Saunders, the Board voted 5-0 to uphold the subject variance and modifications, on condition that a car usage survey be performed, to be paid for by the variance holder but to be directed by Planning staff, with findings to be prepared by the variance holder's attorney to be adopted at a later date. Variance Holder(s): 724 Van Ness Associates LLC.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to deny the rehearing request.

SPEAKERS: Molly Hopp requested that the Board grant a rehearing of her appeal so that she can exhaust her administrative remedies. John Sanger, attorney for the Variance Holder, said that the request should be rejected since no new evidence was being offered and the requestor was making the same arguments as she had at the hearing.

ITEM D: 2010 Divisadero Street. Letter from David Knudsen, Appellant(s), requesting rehearing of Appeal No(s). 02-137, Knudsen vs. DBI, PDA, decided Dec. 18, 2002. At that time, upon motion by President Chin, the Board voted 5-0 to uphold the permit with the following condition(s): a) that any illegal billboards be removed on the subject property prior to commencement of construction; b) that the roof be changed to a 1hr fire-rated roof; c) that the façade remain the same; d) and that the entire building be painted after construction, with the back portion to be painted with white reflective paint. Permit Holder(s): Saud Family Trust:

ACTION: Upon motion by President Chin, the Board voted 5-0 to deny the rehearing request.

SPEAKERS: Kenneth Ma speaking for the Appellant who had been called out of state for an emergency, said that the neighbors have met with the City Planner and feel the Code doesn't permit a project that is so high and a rehearing is justified to go over the standards. Craig Hudson, project architect said his client objects to a rehearing since the issue of height had been thoroughly discussed and considered by the Board already and no new evidence was being offered that would justify a rehearing. Lawrence Badiner, ZA, said he opposed the granting of a

rehearing since the height issue has been considered and decided by the Board. He said that the objectionable billboards must be removed as part of the project and that the issue of glare had not been raised to the point of justifying a rehearing. Leo McFadden, Senior Building Inspector for DBI, said that there are no Building Code violations on this property.

(4) **APPEAL NO. 02-097**

VERNON LIDDELL, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the revocation on May 22, 2002, of [taxicab medallion no(s). 981.
[THE BOARD VOTED 5-0 ON NOV. 20, 2002 [TO UPHOLD THE REVOCATION DUE TO [NON-APPEARANCE OF APPELLANT OR HIS [AGENT. ON DEC. 18, 2002, THE BOARD [VOTED 4-1 TO GRANT THE REQUEST FOR [REHEARING.
[FOR REHEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 5-0 to uphold the subject revocation.

SPEAKERS: Naomi Little, Executive Director of the Taxi Commission, said this is a most egregious case where the Appellant hadn't driven his cab for years and there is no prospect he intends to in the future since he operates a barber shop in Ohio. Jim Gillespie, speaking for the Appellant who is in Ohio tending his wife, said he relies on the Appellant's letter to the Board and asked the Board to overrule the revocation of the Appellant's medallion since the Appellant has committed no fraud and is an honest, forthcoming person and he might someday return to the City and fulfill the owner driving requirements.

No public comment for either side.

(5) **APPEAL NO. 02-205**

CODY ROBERTSON
dba "LINGBA LOUNGE", Appellant(s)
vs.

POLICE DEPT., Respondent

[1469 - 18th Street.
[Appealing the denial on October 7, 2002, of [Place of Entertainment Permit.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to continue the case to the indefinite calendar or Call of the Chair so that the DR hearing can take place at the Planning Commission concerning the change of use permit.

SPEAKERS: Inspector Coggan of SFPD explained that the subject permit hasn't been approved for several reasons including the fact that there has been no response from Planning on the referral. Mark Rennie, attorney for the Appellant said that the business location has been a tavern since 1938 and occupies only 450 square feet and it has passed the Police sound test. He

cited a court decision supporting his first amendment argument and reminded the Board of its decision in the Butter appeal.

Public Comment for the Police Department:

John Spencer said the business turned into a club seven days a week and has caused dozens of complaints from neighbors about the late night noise it generates. Peter Linenthal, owner of 1404 18th Street, said he speaks for himself and his two tenants and said they were bothered at night by the noise from the overflow patrons. Emilio Cruz, a neighbor said that the operation doesn't implement a good neighbor policy. Miko Burton Cruz said she grew up in the neighborhood and the property has always been a tavern but there never was any problems until now and the owner is operating without a police permit. Ashley Spencer said owner has been operating without a permit for a year and a half. Ms. J. T. Rehbock said this is a strong family neighborhood and the noise created is too great for it. Jerome Baralich said he hears and feels the bass from the sound system and it is upsetting. Brendon DeSimnon said its like a college fraternity with young people screaming and urinating outside after they leave the club. Christine O'Connell said she can hear the loud noise within her house and this business shouldn't be located in this residential area. Oren Sellsbrom said it makes no sense for the club to be in this quiet neighborhood. Dick Millett of the Boosters said he lives half a block away and the Appellant advertises on the internet that drugs and nude dancing are acceptable at the club. Chris Lawson said the club is on a steep hill and it is easy to slip on the sidewalks and broken bottles on the ground makes it worse. Elizabeth Sullivan said she lives downstairs and her window was kicked in at 2:15 a.m. by someone leaving the club and she had to call the Police Department. Andrew Roth said to maintain ventilation a window must be opened and it allows loud noise to be emitted. The club needs to be rebuilt to be acceptable and quiet enough. Babette Drefbre said this lounge is in the wrong place because there is not enough parking available for the patrons and the neighbors. Kayren Hudiburgh said she has a small grocery nearby the club and Appellant is not a good neighbor. Kitty Friel said she lives down the street and a nightclub shouldn't be in this residential district. Paul McDermott said he is for the Police Department and opposed to the club.

Public Comment for Appellant: Yekaterina Shkolnik said she is a patron and her company had their successful Christmas party at the club, she has seen no nudity there and she loves it. Deana Dreith said she had worked at the place when it was Lilo said the neighbors oppose the Appellant because he hasn't donated $1500 to the Boosters as his predecessor did. Angelo Celini said he is a D.J. and the bar is doing well and they play good music making it a great place to relax. Irving Zaretsky, the building owner, said the Appellant is an outstanding tenant and club's business is down 50% because of the loss of Silicon Valley boom customers. Isaac Newton said he has worked at Lingba and it doesn't have any problems. Kepa Ashkenasy said Appellant wanted to do mediation and arrive at conditions acceptable to the neighbors. Diana Brent said she is a part-time employee at the lounge and she thinks it is a considerate business. Rod Minott said he is a homeowner and he is for the club and that the neighbors refused to do third party mediation. Christian Volk said she thinks it's the panhandlers who make the mess on the sidewalk. Shamel Naguib said he is a friend of the appellant and appellant tries to run his business within the law and it is a lounge and not a club, so quiet you have conversations there. Will Hammond said he performs at a nearby theater and he finds the place to be very sociable. Fred Tsai said he's a patron just back from overseas and he went to the place for a drink and there was no wild partying going on. Terrance Akin said he is Chair of Late Night Coalition and

that the law doesn't keep up with changes in the entertainment field. John DeCastro for Police Department said Boosters never got a donation from Lilo Lounge. Boosters membership voted to oppose Appellant because business disturbed neighbors. Lawrence Badiner, ZA, explained the Police Permit Referral process and said a Discretionary Review hearing is scheduled for the Commission on December 5, 2002 but was not held because Police Department had denied application and the case was moot. Commission must approve before permit can be issued. Mark Rennie, attorney for the Appellant said the business is never open after hours and that the problem is a generational one and he urged the Board to allow the permit as it had in other similar cases like the Butter case.

(6) **Appeal No. 01-196**

ATON WYDLER, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1379 – 3RD Avenue.
[Appealing a determination dated October 17, [2001, that use of the subject property as a 4-[unit residential building is not permitted under [the Planning Code, and is not considered to be [a legal non-conforming use under Planning [Code Sections 180 through 185.
[THE BOARD VOTED 4-0 ON JAN. 30, 2002 [TO OVERRULE THE SUBJECT [DETERMINATION & TO ADOPT FINDINGS [SUBMITTED BY THE APPELLANT'S [ATTORNEY. ON DEC. 4, 2002, THE BOARD [VOTED 5-0 TO GRANT THE REQUEST FOR [REHEARING.
[FOR REHEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-1 (Commissioner Shoemaker dissented) to overrule the Zoning Administrator's determination with a finding that 13 bedrooms/group housing units and one accessory dwelling unit existed as of 1937, with adoption of amended findings.

SPEAKERS: Lawrence Badiner, ZA, explained that UCSF was not under the jurisdiction of the City for land use matters and when UCSF sold the property it should have gone back to its original use and it appears to have been a group housing use and the issue is how many bedrooms are authorized. There are no pre-1937 records of use. His count is 13 bedrooms. David Cincotta, attorney for the Appellant, said that there is no new evidence and no records of use before 1937 but it appears to have been a four-family apartment house. He said the attic could be livable and was probably a resident manager's unit and that much Code work was needed for the building.

Public Comment for Zoning Administrator: David Busby, a neighbor, was represented by attorney Ken Taymor who said the proposed findings had been worked out by all parties and that Finding No. 18 allowed for eleven bedrooms for the non-conforming use as well as a manager's unit.

No public comment for Appellant.

(7) **APPEAL NO. 02-079**

BABA-MALOUF PROPERTIES, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1596 Howard Street.
[Appealing a determination dated April 25, [2002, addressed to Joel Yodowitz at Reuben & [Alter, that the Job Housing Linkage Program [(JHLP) Ordinance fee is applicable to the net [addition of office space proposed, and that the [Certificate of Final Completion & Occupancy [cannot be issued until the JHLP fee is paid in [full.
[PUBLIC HEARING HELD & CLOSED [JUNE 19, 2002.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 1-4 (President Chin, Vice President Harrington, and Commissioners Sugaya and Saunders dissented) to uphold the subject determination. Afterward, upon motion by President Chin, the Board voted 4-1 (Commissioner Shoemaker dissented) to overrule the subject determination with findings as read into the record by President Chin.

SPEAKERS: Joel Yodowitz, attorney for the Appellant, said his client did not understand the effects of the legislation then under consideration and spent substantial sums ($1,600.000) on his project once he had an issued permit in hand, not realizing that Planning would come after him for $600,000 in JHLP fees. Had he known of the fee requirement he would have made different business decisions. He said the AVCO case applied here and that his client shouldn't have to pay fee. Judith Boyajian deputy city attorney, explained the relationship of state environmental law to this matter and to housing projects. Lawrence Badiner, ZA said there hadn't been much discussion of what triggered the JHLP for at the time the legislation was being considered, just the amount to be charged developers; and the legislation had been under consideration for many years. He admitted his Department had made several clerical errors in their communication with the Appellant.

(8)
APPEAL NO. 02-142 ANTONIO CASTELLUCCI, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING COMMISSION DISAPPROVAL

[2639 – 24th Street.
[Appealing the denial on July 31, 2002, of Permit [to Erect a Building (four-story, six-unit [residential building with 3,200sf of ground floor [area).
[APPLICATION NO. 2000/03/07/3664.
[FOR HEARING TODAY.

§ 14 PARTIES: None.

DR REQUESTOR(S): John Wischman.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the denial by the Planning Commission and grant the permit.

SPEAKERS: Lawrence Badiner, ZA, explained the DR denial by the Commission. Joseph Sacramento, attorney for Appellant said that the DR requestor is no longer opposed to the project and actually now supports it. John Wischman, the DR requestor said he supports the project.

No public comment for either side.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 02-196**

RONALD & CHERYL KARPOWICZ, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[326 – 28th Avenue.
[Protesting the issuance on September 20, [2002, to Julie Lee, Permit to Demolish a [Building (two-story, one-unit building with [1200sf of ground floor area).
[APPLICATION NO. 9920289.
[FOR HEARING TODAY.

(9B) **APPEAL NO. 02-197**

RONALD & CHERYL KARPOWICZ, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[322 – 28th Avenue.
[Protesting the issuance on September 20, [2002, to Julie Lee, Permit to Demolish a [Building (two-story, one-unit building with [1200sf of ground floor area).
[APPLICATION NO. 9920291.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to uphold the demolition permit for 326 –28th Avenue pursuant to an oral withdrawal by the appellants. Afterwards, upon motion by Commissioner Saunders, the Board voted 5-0 to uphold the demolition permit for 322 – 28th Avenue.

SPEAKERS: Peter Koenig, attorney for Appellants, said that his clients thought they were appealing both demolition and site permits and didn't understand that they had only appealed the two demolition permits. He asked the Board to take jurisdiction over the site permits, too, since they have submitted material that covers all four permits. He said that the house at 326 28th Avenue could be rehabilitated for less than 50% and that the owner had let it deteriorate. Judith Boyajian, deputy city attorney said that the Board has jurisdiction over the two demolition permits and that the site permits are not before them, though the Appellants can file a formal request that the Board grant jurisdiction to allow them to file late appeals. Leo McFadden, SBI, DBI, said there appears to be some problems with the permit for 322 28th Avenue but that the one for 326 28th Avenue is properly issued. Rev. Arnold Townsend, representing the Permit Holder agrees

there are errors by SOHA but that the amount needed to rehabilitate the house was almost 50% once the new furnace is added and that SOHA had not included it. He gave a history of his client's efforts to obtain permits and the efforts of the appellants to prevent her. Cheryl Karpowicz co-Appellant, said that homeless people have squatted in the house as well as raccoons and that the neighborhood has suffered because of the owner's dereliction of duty to keep the house in reasonable condition. She said she has not delayed the project.

Public Comment for Permit Holder: Jack Barry said the demolitions should not be appealed. He said the Appellants never gave up and that the delayed process is unfair since they have gotten five feet already as a concession from the Permit Holder. Bowman Leong said that it has taken three years to secure the permits with several revisions to the plans being required along the way. Phil Chang said he collected signatures of people in the neighborhood who support the Permit Holder and her project; and she is being held hostage by the Appellants.

No Public Comment for Appellants.

(10) **APPEAL NO. 02-204**

LEE & RUTH ANN SEWARD,
THOMAS & JODY ROBERTSON,
SYDNEY GOLDSTEIN, STEVE &
BRENDA BOTTUM, & RICK ELLIS, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[2736 Pierce Street.
[Protesting the issuance on October 7, 2002,
[to P.Q. & June Chin, Permit to Alter a Building
[(sun deck on top of existing roof, 42" high rail,
[4X4 post secured to existing structure (roof)).
[APPLICATION NO. 2002/10/07/8421.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Shoemaker absent) to reschedule the case to the indefinite calendar or Call of the Chair at the request of the parties.

SPEAKERS: None

(11) **APPEAL NO. 02-216**

VERDI CLUB INC., Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[2424 Mariposa Street.
[Appealing a determination dated October 18,
[2002, addressed to the Verdi Club, that a
[Type 47 (On-Sale General for Bona Fide
[Public Eating Place) liquor license is
[prohibited by Planning Code § 781.8(a), which
[prohibits new establishments in the Mission
[Alcoholic Beverage Special Use Sub District
[from selling alcoholic beverages.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the determination with a finding that the Verdi Club has been in existence for 86 years, and that it is a bona fide restaurant.

SPEAKERS: Lawrence Badiner, ZA, said that the issue is determined by the Department of Public Health which issues restaurant permits. He said the problem is whether this is a new establishment or the expansion or intensification of an existing one. He said it would meet the exception if it is deemed a bona fide restaurant, which would be eligible for an ABC license of this sort, changing the permit from 58 and 51 to a type 47. Guenter Morawietz, the manager of the club said the club may have twenty-four catering jobs and functions and the club has been in existence 80 plus years and needs the new ABC license to remain viable since its membership is decreasing and they must attract the public. He said he had support in the room but wouldn't ask them to speak and a show of hands in support of the appellant was approximately 25.

(12) **APPEAL NO. 02-217**

IDIL URALLI
& NICOLAS ST. HILAIRE, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[1169 Dolores Street.
[Protesting the issuance on October 23, 2002,
[to David Kline, Permit to Alter a Building
[(replace existing bath and plaster in kitchen
[with all new drywall insulation and cabinetry
[along with updated electrical).
[APPLICATION NO. 2002/10/23/9757.
[FOR HEARING TODAY.

ACTION: Case withdrawn by the Appellants..

SPEAKERS: None

ITEMS (13A), (13B) & (13C) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 02-233**

CHARLES R. THOMAS JR.
& CARLO TARONE, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[412 Lombard Street.
[Protesting the issuance on November 27, 2002,
[to Mahmoud Khosoussi, Site Permit to Alter a
[Building (existing one-story over garage –
[convert to three story over garage).
[APPLICATION NO. 2000/03/03/3468S.
[FOR HEARING TODAY.

13B) **APPEAL NO. 02-234**

GREG GIACHINO, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[412 Lombard Street.
[Protesting the issuance on November 27, 2002,
[to Mahmoud Khosoussi, Site Permit to Alter a
[Building (existing one-story over garage –
[convert to three story over garage).
[APPLICATION NO. 2000/03/03/3468S.
[FOR HEARING TODAY.

13C) **APPEAL NO. 02-235**

BARBARA FONG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[412 Lombard Street.
[Protesting the issuance on November 27, 2002,
[to Mahmoud Khosoussi, Site Permit to Alter a
[Building (existing one-story over garage –
[convert to three story over garage).
[APPLICATION NO. 2000/03/03/3468S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 5-0 to reschedule the matter to Feb. 19, 2003.

SPEAKERS: Charles Thomas, Co-Appellant, asked the Board to reschedule the hearing on this matter since one of the Co-Appellants cannot be present at this time. Ahmad Mohazab, Project Architect, objected to a rescheduling since his client has been delayed three years and the project is in escrow now.

There being no further business President Chin adjourned the meeting at 10:00 p.m.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

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CITY & COUNTY OF SAN FRANCISCO

03

REGULAR MEETING - WEDNESDAY, FEBRUARY 5, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

ITEM A: 2311 – 19th Street & 705 Utah Street. Letter from Stephen Williams, attorney for Appellant(s) Melinda Hall, requesting rehearing of Appeal No(s). 02-143/144/145, Hall vs. DBI, PDA, decided December 18, 2002. At that time, upon motion by Commissioner Sugaya, the Board voted 2-2-1 (Vice President Harrington & Commissioner Saunders dissented, President Chin recused) to uphold all 3 permits on condition that the penthouse at 2311 – 19th Street be removed. Four votes being necessary under the City Charter (§ 4.106) to overturn any departmental action, the motion failed, and the 3 subject permits were upheld with no conditions.

(4) **CONSENT ITEMS (DBI PENALTY):** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) **APPEAL NO. 02-209**

JAMIE HO, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[2367 – 47th Avenue.
[Appeal for refund of penalty imposed on
[October 22, 2002 for work done without a
[permit.
[APPLICATION NO. 2002/06/03/8043.
[FOR HEARING TODAY.

(4) **CONSENT ITEMS (DBI PENALTY) CONTINUED:**

(4B) **APPEAL NO. 02-230**

424 JONES STREET APARTMENTS LLC, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[424 Jones Street.
[Appeal for refund of penalty imposed on Dec. 2
[2002, for work done without a permit.
[APPLICATION NO. 2002/11/14/1407.
[FOR HEARING TODAY.

(5) **CONSENT ITEMS (TAXI COMMISSION REVOCATION):** With the consent of the Ta Commission, the Board will proceed to a vote without testimony to overrule the revocation of th subject permit(s) with the condition that the appellants pay all appropriate permit fees. Witho consent the Board will take testimony and then decide the appeal.

(5A) **APPEAL NO. 02-207**

GURPARKASH SINGH, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the revocation on October 9, 200
[of Driver of Public Passenger Vehicle Perm
[(P44) due to non-payment of fees.
[ACCOUNT NO. 54070.
[FOR HEARING TODAY.

(5B) **APPEAL NO. 02-210**

AKMAL ASHRABOV, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the revocation on October 9, 200
[of Driver of Public Passenger Vehicle Perr
[(P44) due to non-payment of fees.
[ACCOUNT NO. 92854
[FOR HEARING TODAY.

(5C) **APPEAL NO. 02-211**

YURI M. COELHO, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the revocation on October 9, 200
[of Driver of Public Passenger Vehicle Perm
[(P44) due to non-payment of fees.
[ACCOUNT NO. 100612
[FOR HEARING TODAY.

5) **CONSENT ITEMS (TAXI COMMISSION REVOCATION) CONTINUED:**

5D) **APPEAL NO. 02-213**

ZAW NAING, Appellant(s)
vs.

TAXI COMMISSION, Respondent

[Appealing the revocation on October 9, 2002,
[of Driver of Public Passenger Vehicle Permit
[(P44) due to non-payment of fees.
[ACCOUNT NO. 54554
[FOR HEARING TODAY.

5E) **APPEAL NO. 02-214**

SONGKAI CUI, Appellant(s)
vs.

TAXI COMMISSION, Respondent

[Appealing the revocation on October 9, 2002,
[of Driver of Public Passenger Vehicle Permit
[(P44) due to non-payment of fees.
[ACCOUNT NO. 85682
[FOR HEARING TODAY.

5F) **APPEAL NO. 02-215**

KERRIGAN DANGERFIELD, Appellant(s)
vs.

TAXI COMMISSION, Respondent

[Appealing the revocation on October 9, 2002,
[of Driver of Public Passenger Vehicle Permit
[(P44) due to non-payment of fees.
[ACCOUNT NO. 85411
[FOR HEARING TODAY.

(6) **APPEAL NO. 02-221**

BORIS NIKOLIN
dba "KEUR-BAOBAB", Appellant(s)
vs.

POLICE DEPARTMENT, Respondent

[3388 – 19th Street.
[Appealing the denial on October 31, 2002, of
[a Place of Entertainment Permit.
[FOR HEARING TODAY.

(7) **APPEAL NO. 02-223**

BRIAN T. SHEEHY dba "ANU", Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[43 – 6th Street.
[Appealing a Police Permit Zoning Referral
[dated October 28, 2002, addressed to Brian
[Sheehy dba "Anu", that the application for a
[Place of Entertainment Permit cannot be
[approved because new nighttime
[entertainment uses in the RSD zoning district
[are prohibited under Planning Code §§'s
[815.37 & 102.17.
[FOR HEARING TODAY.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 98-035**

VICTOR TWAL dba "BUDDIES", Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[498 Sanchez Street.
[Denial on February 13, 1998, of permit to Alter
[a Building (legalize awning and sign installed
[without permit).
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

(8B) **APPEAL NO. 99-197**

MICHAEL CRAWFORD &
TOM HANUS, dba "CHAT CAFÉ", Appellant(s)
vs.
DEPARTMENT OF PUBLIC WORKS, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[498 Sanchez Street.
[Denial on December 7, 1999, of permit for 12
[chairs on sidewalk.
[FOR HEARING TODAY.

(9) **APPEAL NO. 02-201**

JAMES VIEGAS, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[91 San Felipe Ave.
[Protesting the issuance on October 2, 2002, t
[Mark Sears & Russell Schrader, Permit to Alte
[a Building (additional information as requeste
[by District Building Inspector regarding th
[planters from Building Permit Application No(s
[2001/12/19/5627; show as built planter wa
[(under rear deck and stair case), correct garag
[roof deck, finished floor elevation).
[APPLICATION NO. 2002/10/02/7981.
[FOR HEARING TODAY.

(10) **APPEAL NO. 02-218**

BONNIE TREMBATH, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[2538 – 33rd Avenue.
[Protesting the issuance on October 31, 200
[to Todd & Lisa Ng, Permit to Alter a Buildi
[(minor revision to Building Permit Applicati
[No(s). 2002/10/15/8960, revised basemet
[floor layout to have 1 bedroom/storage/fam
[room).
[APPLICATION NO. 2002/10/31/0496.
[FOR HEARING TODAY.

(11) **APPEAL NO. 02-219**

AMY & GEORGE BAGGOTT, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[738 Duncan Street.
[Protesting the issuance on October 25, 2002, [to Rahmat & Gayle Zandian, Permit to Alter a [Building (extend rear of the existing first floor [8.5ft to the north, construct a 6' X 15' deck, [construct a new second floor over the existing [roof with the new second floor to set back [toward the front of the property 8.5ft from the [rear wall of the abutting building to the west in [accordance with Planning Commission Motion [No(s). 12002).
[APPLICATION NO. 2000/06/16/2894.
[FOR HEARING TODAY.

(12) **APPEAL NO. 02-220**

ROGER GONZALES, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[715 Brazil Street.
[Protesting the issuance on October 24, 2002, [to Lenora Lai Ngor Wong, Permit to Alter a [Building (remove existing ground floor unit [and legalize as storage per violation [#200232574; legalize all partitions and related [electrical work).
[APPLICATION NO. 2002/09/17/6621.
[FOR HEARING TODAY.

(13) **APPEAL NO. 02-222**

MARILYN BLAKE, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[2601 Lyon Street.
[Appealing a determination dated October 29, [2002, addressed to David Silverman at [Reuben & Alter, that the subject roof structure, [as proposed, does not qualify as an exemption [to the height limit pursuant to § 260(b)(1)(B) of [the Planning Code and would therefore be [considered above the height limit.
[FOR HEARING TODAY.

(14) **APPEAL NO. 02-225**

LES & JOANNA MANKIEWICZ, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[189 Farnum Street.
[Protesting the issuance on November 1, 2002 [to Steven Popper, Permit to Alter a Building [(new fences over 6 feet).
[APPLICATION NO. 2002/11/01/0637.
[FOR HEARING TODAY.

(15) **APPEAL NO. V02-227**

WILLIAM & GAYLE CHAN, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1998 – 8th Avenue.
[Appealing the conditions accompanying the [granting on November 15, 2002, of a Rear [Yard Variance (to construct a first floor deck [with an arbor overhang and spiral stairs to [grade at rear of building, modified by the [Zoning Administrator to extend no more than 8 [feet from the rear building wall, with the revised [proposal to be constructed with maximum [openness as otherwise permitted by the [Building Code).
[VARIANCE CASE NO. 2002.0784V.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: Jan. 30, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 5, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

Present: President Arnold Y. K. Chin, Vice President Kathleen Harrington, Commissioner Sabrina Saunders, Commissioner Douglas Shoemaker and Commissioner Hisashi Sugaya.

Catharine Barnes, Deputy City Attorney for the City Attorney (DCA); Craig Nikitas, Planning Department; Laurence Kornfield, Chief Building Inspector, DBI; and Robert Feldman, Executive Secretary for the Board of Appeals; Official Court Reporter Claudine Woeber.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: President Chin wished everyone a Happy Chinese Lunar New Year and invited all to the up-coming parade through Chinatown. Commissioner Shoemaker requested staff to arrange for a presentation to the Board from the Mayor's Office of Housing on City programs for Non-Profit Housing and to give special notice to interested parties and groups.

(3) **ADDENDUM ITEMS:**

ITEM A: 2311 – 19th Street & 705 Utah Street. Letter from Stephen Williams, attorney for Appellant(s) Melinda Hall, requesting rehearing of Appeal No(s). 02-143/144/145, Hall vs. DBI, PDA, decided December 18, 2002. At that time, upon motion by Commissioner Sugaya, the Board voted 2-2-1 (Vice President Harrington & Commissioner Saunders dissented, President Chin recused) to uphold all 3 permits on condition that the penthouse at 2311 – 19th Street be removed. Four votes being necessary under the City Charter (§ 4.106) to overturn any departmental action, the motion failed, and the 3 subject permits were upheld with no conditions.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 1-3-1 (Vice President Harrington, Commissioners Sugaya & Saunders dissented, President Chin recused) to grant the rehearing request. 4 votes being required to grant a rehearing request, the motion failed, and the rehearing request was denied.

SPEAKERS: Steven Williams, attorney for Appellant, asked the Board to grant a rehearing in order to prevent a manifest injustice and said his client had nothing to do with any delays to the project. David Silverman, attorney for Permit Holder, said that his client has done everything that DBI and the SFFD has requested of him as to the fire corridor which is shown on the approved plans. The easement will be reviewed by DBI and revised as required and the proposed lot merger is dead. Laurence Kornfield, CBI, DBI said that easements must be recorded as are many other things and must be both before and during the construction period. In this case recordation will be before any addendum. The Fire Department did review these plans and noted that on the plans.

(4) **CONSENT ITEMS (DBI PENALTY):** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) **APPEAL NO. 02-209**

JAMIE HO, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[2367 – 47th Avenue.
[Appeal for refund of penalty imposed on [October 22, 2002 for work done without a [permit.
[APPLICATION NO. 2002/06/03/8043.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reduce the subject penalty to two times the regular fee.

SPEAKERS: Department representatives consented.

(4B) **APPEAL NO. 02-230**

424 JONES
STREET APARTMENTS LLC, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[424 Jones Street.
[Appeal for refund of penalty imposed on Dec. 2, [2002, for work done without a permit.
[APPLICATION NO. 2002/11/14/1407.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reduce the subject penalty to two times the regular fee.

SPEAKERS: Department representatives consented.

(5) **CONSENT ITEMS (TAXI COMMISSION REVOCATION):** With the consent of the Taxi Commission, the Board will proceed to a vote without testimony to overrule the revocation of the subject permit(s) with the condition that the appellants pay all appropriate permit fees. Without consent the Board will take testimony and then decide the appeal.

(5A) **APPEAL NO. 02-207**

GURPARKASH SINGH, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the revocation on October 9, 2002,
[of Driver of Public Passenger Vehicle Permit
[(P44) due to non-payment of fees.
[ACCOUNT NO. 54070.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the subject revocation on condition that the appellant pay all permit fees and penalties, and on condition that the appellant take the driver's training course.

SPEAKERS: Department representatives consented and requested the condition.

(5B) **APPEAL NO. 02-210**

AKMAL ASHRABOV, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the revocation on October 9, 2002,
[of Driver of Public Passenger Vehicle Permit
[(P44) due to non-payment of fees.
[ACCOUNT NO. 92854
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the subject revocation on condition that the appellant pay all permit fees and penalties, and on condition that the appellant take the driver's training course.

SPEAKERS: Department representatives consented and requested the condition.

(5C) **APPEAL NO. 02-211**

YURI M. COELHO, Appellant(s)
vs.

TAXI COMMISSION, Respondent

[Appealing the revocation on October 9, 2002,
[of Driver of Public Passenger Vehicle Permit
[(P44) due to non-payment of fees.
[ACCOUNT NO. 100612
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the subject revocation on condition that the appellant pay all permit fees and penalties, and on condition that the appellant take the driver's training course.

SPEAKERS: Department representatives consented and requested the condition.

(5D) **APPEAL NO. 02-213**

ZAW NAING, Appellant(s)
vs.

TAXI COMMISSION, Respondent

[Appealing the revocation on October 9, 2002,
[of Driver of Public Passenger Vehicle Permit
[(P44) due to non-payment of fees.
[ACCOUNT NO. 54554
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the subject revocation on condition that the appellant pay all permit fees and penalties, and on condition that the appellant take the driver's training course.

SPEAKERS: Department representatives consented and requested the condition.

(5E) **APPEAL NO. 02-214**

SONGKAI CUI, Appellant(s)
vs.

TAXI COMMISSION, Respondent

[Appealing the revocation on October 9, 2002,
[of Driver of Public Passenger Vehicle Permit
[(P44) due to non-payment of fees.
[ACCOUNT NO. 85682
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the subject revocation on condition that the appellant pay all permit fees and penalties, and on condition that the appellant take the driver's training course.

SPEAKERS: Department representatives consented and requested the condition.

(5F) **APPEAL NO. 02-215**

KERRIGAN DANGERFIELD, Appellant(s)
vs.

TAXI COMMISSION, Respondent

[Appealing the revocation on October 9, 2002, [of Driver of Public Passenger Vehicle Permit [(P44) due to non-payment of fees.
[ACCOUNT NO. 85411
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the subject revocation on condition that the appellant pay all permit fees and penalties, and on condition that the appellant take the driver's training course.

SPEAKERS: Department representatives consented and requested the condition.

(6) **APPEAL NO. 02-221**

BORIS NIKOLIN
dba "KEUR-BAOBAB", Appellant(s)
vs.

POLICE DEPARTMENT, Respondent

[3388 – 19th Street.
[Appealing the denial on October 31, 2002, of [a Place of Entertainment Permit.
[FOR HEARING TODAY.

ACTION: Case withdrawn by the appellant prior to hearing.

SPEAKERS: None

(7) **APPEAL NO. 02-223**

BRIAN T. SHEEHY dba "ANU", Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[43 – 6th Street.
[Appealing a Police Permit Zoning Referral [dated October 28, 2002, addressed to Brian [Sheehy dba "Anu", that the application for a [Place of Entertainment Permit cannot be [approved because new nighttime [entertainment uses in the RSD zoning district [are prohibited under Planning Code §§'s [815.37 & 102.17.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the subject Police Permit Zoning Referral with a finding that there existed on the site live entertainment-use as early as 1984, which is prior to the adoption of Planning Code § 815.

SPEAKERS: Craig Nikitis, Senior Planner for Planning Department, said the issue is clear and there is a clear violation of the Planning Code provision which doesn't permit a place of entertainment in the zoning district without a conditional use authorization from the Commission.

Brian Sheehy, Co-Appellant and Co-Owner of the business, said the ANU is the goddess of hope and he thanked Planning and the Police Department for their cooperation. He listed ten reasons why the permit should be issued and said he had checked with Planning before applying for the permit and was told there would be no problems under the Code.

No public comment for Planning.

Public Comment for Appellant: Rossano Rountree said that the bar's operators are real sweethearts and cause no trouble at all. Kanshik Dattani said he owns a restaurant two doors away and the businessmen with businesses on Sixth Street should be encouraged and supported to fulfill their dreams. Ernest Tyler said he lives upstairs and hears no noise from the bar and the clubs in the area are cleaning themselves up. Angel Cruz said these are entrepreneurs who really care, who are willing to take a risk and he supports the Appellant. Bernard Calloway agreed with those who had spoken. J. K. Dineer said he is a patron and he appreciates the two art shows held at ANU. Ralph Kazanjian said he has seen the attitude of Sixth Street change for the better. Kelly Edwards, a patron, said he's like "Norm" on "Cheers" at ANU.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 98-035**

VICTOR TWAL dba "BUDDIES", Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[498 Sanchez Street.
[Denial on February 13, 1998, of permit to Alter
[a Building (legalize awning and sign installed
[without permit).
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[FOR HEARING TODAY.

(8B) **APPEAL NO. 99-197**

MICHAEL CRAWFORD &
TOM HANUS, dba "CHAT CAFÉ", Appellant(s)
vs.
DEPARTMENT OF PUBLIC WORKS, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[498 Sanchez Street.
[Denial on December 7, 1999, of permit for 12
[chairs on sidewalk.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule both cases to the Indefinite Calendar or Call of the Chair with a letter to go out to DPW BSM asking them to stay action pending enactment of legislation concerning the tables/chairs and awning, with BSM to have the right to enforce rules concerning the placement of said tables/chairs.

SPEAKERS: Seth Huntington for Department of Public Works Bureau of Street Use and Mapping said the new Supervisor for the district, Bevan Dufty, will probably follow in the former supervisor's footsteps and try to get legislation enacted that will allow what the Appellants want to do. Bevan Dufty said he has just heard of the problem and would look into it to see if the problem can be

remedied and he will explore the possibility of legislative relief. Robert Sandler said he is one of the three new owners of the business and does want to keep chairs on the sidewalk.

No public comment for either side.

(9) **APPEAL NO. 02-201**

JAMES VIEGAS, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[91 San Felipe Ave.
[Protesting the issuance on October 2, 2002, to [Mark Sears & Russell Schrader, Permit to Alter [a Building (additional information as requested [by District Building Inspector regarding the [planters from Building Permit Application No(s). [2001/12/19/5627; show as built planter wall [(under rear deck and stair case), correct garage [roof deck, finished floor elevation).
[APPLICATION NO. 2002/10/02/7981.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the case to Feb. 19, 2003 at the request of the parties.

SPEAKERS: None

(10) **APPEAL NO. 02-218**

BONNIE TREMBATH, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[2538 – 33rd Avenue.
[Protesting the issuance on October 31, 2002, [to Todd & Lisa Ng, Permit to Alter a Building [(minor revision to Building Permit Application [No(s). 2002/10/15/8960, revised basement [floor layout to have 1 bedroom/storage/family [room).
[APPLICATION NO. 2002/10/31/0496.
[FOR HEARING TODAY.

ACTION: Case withdrawn by the appellant before the hearing.

SPEAKERS: None.

(11) **APPEAL NO. 02-219**

AMY & GEORGE BAGGOTT, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[738 Duncan Street.
[Protesting the issuance on October 25, 2002,
[to Rahmat & Gayle Zandian, Permit to Alter a
[Building (extend rear of the existing first floor
[8.5ft to the north, construct a 6' X 15' deck,
[construct a new second floor over the existing
[roof with the new second floor to set back
[toward the front of the property 8.5ft from the
[rear wall of the abutting building to the west in
[accordance with Planning Commission Motion
[No(s). 12002).
[APPLICATION NO. 2000/06/16/2894.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to uphold the subject permit on condition that the rear wall be aligned with the existing south window jam of the Appellants' east facing window, and for the front wall to align with the Appellants 3rd floor which is setback.

SPEAKERS: Amy Baggott, Co-Appellant, said that a compromise had been made at Planning to protect the privacy of her master bedroom and the planner said she would bring the issue to the attention of the Commission but the Commission had acted without knowing of the issue of the inconsistent drawings and incorrect dimensions. The note on the plans to change dimensions two feet has been crossed out. Rahmat Zandian, Permit Holder, explained that the Commission motion in 1990 and that twice under DR his project was approved and the Commission required the wall be moved 8.5 feet and he has followed the Commission's directions with his project allowing the Appellants 80% of their view. He has met all the Commission's conditions of approval. Craig Nikitis for Planning, said the problem came about because the original planner handling the case left the Department and there was a lack of continuity in review leading to disagreements between the parties. Jon Twichell, consultant for the Appellants, said the dimension problem is due to the fact that the drawings were made by the Permit Holder and not by a professional architect.

No public comment for either side.

(12) **APPEAL NO. 02-220**

ROGER GONZALES, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[715 Brazil Street.
[Protesting the issuance on October 24, 2002, [to Lenora Lai Ngor Wong, Permit to Alter a [Building (remove existing ground floor unit [and legalize as storage per violation [#200232574; legalize all partitions and related [electrical work).
[APPLICATION NO. 2002/09/17/6621.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (President Chin recused) to reschedule the case to March 5, 2003.

SPEAKERS: None.

(13) **APPEAL NO. 02-222**

MARILYN BLAKE, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[2601 Lyon Street.
[Appealing a determination dated October 29, [2002, addressed to David Silverman at [Reuben & Alter, that the subject roof structure, [as proposed, does not qualify as an exemption [to the height limit pursuant to § 260(b)(1)(B) of [the Planning Code and would therefore be [considered above the height limit.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to continue the case to March 5, 2003, with the public hearing closed.

SPEAKERS: Craig Nikitis for Planning explained the stair penthouse exception of the height limits and the Zoning Administrator's determination which finds the subject penthouse to be of excessive volume. Laurence Kornfield, CBI for DBI, explained the state law which requires stair penthouses to allow fire fighters access to the roof and he said this one has inadequate headroom. David Silverman, attorney for the Permit Holder, said that the penthouse was designed by a distinguished architect to be in harmony with the neighborhood. He said it meets the definition of a stair penthouse and just covers the stairwell and will be an improvement to the house and the neighborhood.

Public Comment for Zoning Administrator: Terry Pimsleur, said the house is in the Moran Tract of six similar houses and the proposal is out of character with the other houses, and is to no purpose. Other owners oppose this project. Harry Wartnick of 2545 Lyon Street said the project won't enhance the neighborhood and will destroy the architectural integrity of the houses. Lucian Blazej

for the Cow Hollow Association urged the Board to uphold the determination because the project is not consistent with the Cow Hollow Neighborhood Design Guidelines which are an adjunct to the Residential Design Guidelines and incorporate portions of it. He said the area is of historic district quality and project should need a certificate of appropriateness.

No public comment for Appellant.

Laurence Kornfield, CBI, DBI, said to correct record that the ceiling height must be at least seven feet and project doesn't meet standard.

(14) **APPEAL NO. 02-225**

LES & JOANNA MANKIEWICZ, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[189 Farnum Street.
[Protesting the issuance on November 1, 2002, [to Steven Popper, Permit to Alter a Building [(new fences over 6 feet).
[APPLICATION NO. 2002/11/01/0637.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to uphold the subject permit on condition that the fence comply with the drawing submitted by the Permit Holders at hearing, noted as figure 2.

SPEAKERS: Leo Mankiewicz, Co-Appellant, asked the Board to revise the plans and impose a correction that height would not exceed seven feet, and require a new permit application for the retaining wall. Steven Popper, Permit Holder, said the problem is a boundary dispute and he has obtained a survey showing the retaining wall entirely on his property and the fence was seven feet and he is lowering it to six feet plus a lattice on top.

No public comment for either side.

(15) **APPEAL NO. V02-227**

WILLIAM & GAYLE CHAN, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1998 – 8th Avenue.
[Appealing the conditions accompanying the [granting on November 15, 2002, of a Rear [Yard Variance (to construct a first floor deck [with an arbor overhang and spiral stairs to [grade at rear of building, modified by the [Zoning Administrator to extend no more than 8 [feet from the rear building wall, with the revised [proposal to be constructed with maximum [openness as otherwise permitted by the [Building Code).
[VARIANCE CASE NO. 2002.0784V.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 5-0 to uphold the subject variance on condition that the deck not extend more than 10 feet from the rear building wall.

SPEAKERS: Craig Nikitis for Planning said that the variance is necessary for the deck and the stairs at rear and the deck is allowed to within eight feet of the wall. He added that the project was accepted by the Forest Hill Association. Tony Kim representing the Appellant, said they had requested a variance for a twelve-foot addition but only an eight-foot was approved; which is too shallow and provides insufficient room for their purposes. Richard Schott, the architect, said there would be less square footage with his design than with the ZA's design. Harold Wright, Chair of the Forest Hill Association architectural review committee, said a variance should only be granted for a small revision and only if there is a real hardship in meeting the Code; here there is no hardship and they can build a usable deck within the variance and deletion of the condition is not justified.

There being no further business President Chin adjourned the meeting at 8:50 p.m.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

REGULAR MEETING - WEDNESDAY, FEBRUARY 19, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

ITEM A: 731-749 Commercial Street. Letter from Jason Bley, agent for the Committee for the Restoration of Chinatown, Appellant(s), requesting rehearing of Appeal No(s). 02-185, decided Jan. 22, 2003. At that time, upon motion by Vice President Harrington, the Board voted 5-0 to uphold the subject permit. Permit Holder(s): Charity Cultural Services Center. Project: revision to Building Permit Application No(s). 2001/10/31/2145, change in structural plans, architecture to stay the same.

(4) **CONSENT ITEMS (DBI PENALTY):** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) **APPEAL NO. 02-228**

JESSE & AMADA SANTOS, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[14 Gloria Court.
[Appeal for refund of penalty imposed on
[November 25, 2002 for work done without a
[permit (legalization of the 1st floor with existing
[rooms and bath; remove existing illegal
[kitchen).
[APPLICATION NO. 2002/08/27/5060.
[FOR HEARING TODAY.

(5) **APPEAL NO. 01-115**

THERESA ISSERMAN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent

[700 Vermont Street.
[Protesting issuance on June 20, 2001, t
[Raymond & Hazel Guaraglia, Permit to Alter a
[Building (demolish existing non-complian
[residential units per Notice of Violation No
[200114983; remove all utilities to ground level
[convert to original commercial space with n
[structural work to be done).
[APPLICATION NO. 2001/06/20/1935.
[PUBLIC TESTIMONY HEARD JUNE 19, 2002.
[FOR FURTHER CONSIDERATION TODAY.

(6) **APPEAL NO. 02-171**

PHONG T. NGUYEN
& TRIEU MUOI, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[1671 – 40th Avenue.
[Protesting the issuance on August 26, 2002, t
[Can Pei Zhang, Site Permit to Alter a Buildin
[(horizontal rear addition on single-famil
[house).
[APPLICATION NO. 2001/11/28/4069S.
[FOR HEARING TODAY.

(7) **APPEAL NO. 02-201**

JAMES VIEGAS, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[91 San Felipe Ave.
[Protesting the issuance on October 2, 2002, t
[Mark Sears & Russell Schrader, Permit to Alte
[a Building (on single-family house: additiona
[information as requested by District Buildin
[Inspector regarding the planters from Buildin
[Permit Application No(s). 2001/12/19/5627
[show as built planter wall (under rear deck an
[stair case), correct garage roof deck, finishe
[floor elevation).
[APPLICATION NO. 2002/10/02/7981.
[FOR HEARING TODAY.

(8) **APPEAL NO. 02-229**

LONNY ISRAEL, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[84 Eagle Street.
[Protesting the issuance on November 13, 2002
[to John Houston, Site Permit to Alter a Buildin
[(alteration of existing single-family hous
[(addition) as per plans shown).
[APPLICATION NO. 2002/05/09/6214S.
[FOR HEARING TODAY.

(9) **APPEAL NO. 02-231**

JOSEPH NG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent

[2535-2539 Taraval Street.
[Appealing the revocation on November 18, [2002, of a Permit to Alter a Building (establish [legality of ground floor rear apartment in a [3-story residential/commercial building).
[APPLICATION NO. 2001/10/01/9634.
[FOR HEARING TODAY.

ITEMS (10A), (10B) & (10C) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 02-233**

CHARLES R. THOMAS JR.
& CARLO TARONE, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[412 Lombard Street.
[Protesting the issuance on November 27, 2002, [to Mahmoud Khosoussi, Site Permit to Alter a [Building (existing one-story single-family house [over garage – convert to three story over [garage).
[APPLICATION NO. 2000/03/03/3468S.
[FOR HEARING TODAY.

(10B) **APPEAL NO. 02-234**

GREG GIACHINO, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[412 Lombard Street.
[Protesting the issuance on November 27, 2002, [to Mahmoud Khosoussi, Site Permit to Alter a [Building (existing one-story single-family house [over garage – convert to three story over [garage).
[APPLICATION NO. 2000/03/03/3468S.
[FOR HEARING TODAY.

(10C) **APPEAL NO. 02-235**

BARBARA FONG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[412 Lombard Street.
[Protesting the issuance on November 27, 2002, [to Mahmoud Khosoussi, Site Permit to Alter a [Building (existing one-story single-family house [over garage – convert to three story over [garage).
[APPLICATION NO. 2000/03/03/3468S.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal, Brief & Reply; 2) Respondent's or Permit holder's Response Brief; 3) Department decision, order, permit, determination, resolution, or Notice of Violation; and 4) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda. **Date posted: Feb. 13, 2003**

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 19, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

Present: President Arnold Y.K. Chin, Vice President Kathleen Harrington, Commissioner Douglas Shoemaker and Commissioner Hisashi Sugaya. Absent: Commissioner Sabrina Saunders.

Catharine Barnes, Deputy City Attorney for the City Attorney (DCA); Jonas Ionin, Planning Department; Laurence Kornfield, Chief Building Inspector, DBI; and Robert Feldman, Executive Secretary for the Board of Appeals; Official Count Reporter Claudine Woeber.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:**

ITEM A: 731-749 Commercial Street. Letter from Jason Bley, agent for the Committee for the Restoration of Chinatown, Appellant(s), requesting rehearing of Appeal No(s). 02-185, decided Jan. 22, 2003. At that time, upon motion by Vice President Harrington, the Board voted 5-0 to uphold the subject permit. Permit Holder(s): Charity Cultural Services Center. Project: revision to Building Permit Application No(s). 2001/10/31/2145, change in structural plans, architecture to stay the same.

ACTION: Upon motion by Commissioner Saunders, the Board voted 5-0 to deny the rehearing request.

SPEAKERS: Jason Bley requested that the Board grant him a rehearing on the grounds that a Commissioner has a conflict of interest and because Section 106 of the federal law encourages retention of architecturally significant buildings and the Board's pamphlet says it has jurisdiction to protect the City's neighborhoods. He said there are HAZMAT issues also that need to be addressed. David Cincotta, attorney for the Permit Holder, asked the Board to deny the request for rehearing for the reason that no new evidence is to be presented to justify one. He said that the concrete basement floor is to be removed but no other excavation is to be made. Jeff Nelder for the Permit Holder said that the two basements are to be combined so space can be opened up for more classroom space.

(4) **CONSENT ITEMS (DBI PENALTY):** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) **APPEAL NO. 02-228**

JESSE & AMADA SANTOS, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[14 Gloria Court.
[Appeal for refund of penalty imposed on [November 25, 2002 for work done without a [permit (legalization of the 1st floor with existing [rooms and bath; remove existing illegal [kitchen).
[APPLICATION NO. 2002/08/27/5060.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (Commissioner Saunders absent) to reduce the subject penalty to 2 times the regular fee with consent of the Respondents.

SPEAKERS: None.

(5) **APPEAL NO. 01-115**

THERESA ISSERMAN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent

[700 Vermont Street.
[Protesting issuance on June 20, 2001, to [Raymond & Hazel Guaraglia, Permit to Alter a [Building (demolish existing non-compliant [residential units per Notice of Violation No. [200114983; remove all utilities to ground level; [convert to original commercial space with no [structural work to be done).
[APPLICATION NO. 2001/06/20/1935.
[PUBLIC TESTIMONY HEARD JUNE 19, 2002.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the case to April 23, 2003 at the request of the parties.

SPEAKERS: None.

(6) **APPEAL NO. 02-171**

PHONG T. NGUYEN
& TRIEU MUOI, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[1671 – 40th Avenue.
[Protesting the issuance on August 26, 2002, to
[Can Pei Zhang, Site Permit to Alter a Building
[(horizontal rear addition on single-family
[house).
[APPLICATION NO. 2001/11/28/4069S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to continue the appeal to March 5, 2003 with the public hearing closed.

SPEAKERS: Phong Nguyen, Appellant, said the project will block sunlight and the addition is too big and allows too many bedrooms and not enough off-street parking spaces. It will be a monster house with 1,300 square feet of additional floor area. Ahmad Larizadeh, agent for the Permit Holder, said that the permit has been held up for two years and there was no DR request after the Section 311 notification to the neighbors but now there is this appeal to hold it up; causing a hardship to the Permit Holder. He explained the plans to the Board. Jonas Ionin for the Planning Department described the pattern of development in the rear yards in the neighborhood using a Sanborn Map, and said the project is consistent with the Residential Design Guidelines with the mid-block Open Space preserved.

No public comment for either side.

Trieu Moui, co-Appellant, said she had met with Planner but didn't know about the DR process or they would have requested a DR hearing.

(7) **APPEAL NO. 02-201**

JAMES VIEGAS, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[91 San Felipe Ave.
[Protesting the issuance on October 2, 2002, to
[Mark Sears & Russell Schrader, Permit to Alter
[a Building (on single-family house: additional
[information as requested by District Building
[Inspector regarding the planters from Building
[Permit Application No(s). 2001/12/19/5627;
[show as built planter wall (under rear deck and
[stair case), correct garage roof deck, finished
[floor elevation).
[APPLICATION NO. 2002/10/02/7981.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the case to April 2, 2003.
SPEAKERS: None.

(8) **APPEAL NO. 02-229**

LONNY ISRAEL, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[84 Eagle Street.
[Protesting the issuance on November 13, 2002,
[to John Houston, Site Permit to Alter a Building
[(alteration of existing single-family house
[(addition) as per plans shown).
[APPLICATION NO. 2002/05/09/6214S.
[FOR HEARING TODAY.

ACTION: Appeal withdrawn by the appellant.

(9) **APPEAL NO. 02-231**

JOSEPH NG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent

[2535-2539 Taraval Street.
[Appealing the revocation on November 18,
[2002, of a Permit to Alter a Building (establish
[legality of ground floor rear apartment in a
[3-story residential/commercial building).
[APPLICATION NO. 2001/10/01/9634.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the revocation, and reinstate the subject permit.

SPEAKERS: Laurence Kornfield, CBI, DBI, said that the Department had reviewed the case and found that the revocation isn't necessary and that the Board could rectify the matter by overruling and granting the permit for legalization of the four-unit building. Mark Topetcher, architect for the Appellant explained the reason for the appeal and thanked Board for its consideration.

No public comment for either side.

ITEMS (10A), (10B) & (10C) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 02-233**

CHARLES R. THOMAS JR.
& CARLO TARONE, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[412 Lombard Street.
[Protesting the issuance on November 27, 2002,
[to Mahmoud Khosoussi, Site Permit to Alter a
[Building (existing one-story single-family house
[over garage – convert to three story over
[garage).
[APPLICATION NO. 2000/03/03/3468S.
[FOR HEARING TODAY.

(10B) **APPEAL NO. 02-234**

GREG GIACHINO, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[412 Lombard Street.
[Protesting the issuance on November 27, 2002,
[to Mahmoud Khosoussi, Site Permit to Alter a
[Building (existing one-story single-family house
[over garage – convert to three story over
[garage).
[APPLICATION NO. 2000/03/03/3468S.
[FOR HEARING TODAY.

(10C) **APPEAL NO. 02-235**

BARBARA FONG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPARTMENT APPROVAL

[412 Lombard Street.
[Protesting the issuance on November 27, 2002,
[to Mahmoud Khosoussi, Site Permit to Alter a
[Building (existing one-story single-family house
[over garage – convert to three story over
[garage).
[APPLICATION NO. 2000/03/03/3468S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to uphold the subject permit with the following condition(s): a) that white reflective paint be used in the light wells; b) that the window to wall ratio on the façade be reduced; c) that the Declaration of Use Limitation be amended to note that Ms. Fong's property is the beneficiary; and d) that the plans comply with the March 2001 variance and the Discretionary Review (DR) conditions, with a report from the Zoning Administrator on March 19, 2003 concerning the compliance issues.

SPEAKERS: Chuck Thomas, appellant, explained the appeals and said there are many errors in the plans and that the Commission's conditions of approval have not been incorporated in the revised plans and he is not satisfied with the lightwell that has been provided. Greg Giachino, appellant, said that the project is not in character with the neighborhood and is not suitable for Telegraph Hill. He thinks the existing house may be an historic cottage built in 1907.

Marilyn Fong, speaking for Appellant Barbara Fong, said they were ignored during the process. She suggested that certain conditions be imposed by the Board on any approval of the permit and that all errors in the plans be corrected and the Notice of the Restrictions be amended to make clear it is her property that is meant to be the beneficiary of the conditions regarding the windows.

David Silverman, attorney for the Permit Holder, said the application was filed in 1999 and the project has been reduced in scope several times as it went through the variance and DR processes. He said the Telegraph Hill Dwellers are not opposing the project and its height is down to 37 feet with a small setback at the rear, and the lightwell added to benefit Appellant Thomas. He played a video of four witnesses at the Commission DR in support of the project: Marsha Garland, John Sanger, Jeffrey Jones and Scott Bocolattto.

Public Comment for Appellants: Mark Levine said he reviewed the plans and that he thought the plans are stylistically inappropriate for the area and out of character. Eric Green said he lives on same side of street as Sanger and the project doesn't affect him, but it is out of scale with the neighborhood. Chloe Wanen said the project doesn't fit in with the area. Ahmad Mohazab, architect, explained the plans and responded to Board questions.

Jonas Ionin for Planning said the Department finds that the plans are in compliance with the Commission's required revisions and do comply with the Code. He said the Department wouldn't have approved the plans for issuance if it didn't determine the plans are in full compliance.

There being no further business, President Chin adjourned the meeting at 8:19 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

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26/03

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

REGULAR MEETING - WEDNESDAY, FEBRUARY 26, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

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(3) **ADDENDUM ITEMS:** None.

(4) **SPECIAL ITEMS:**

ITEM A: Proposed departmental budget for fiscal year 2003-2004. For public hearing, consideration & adoption. Includes proposed changes in appeal filing fees. Copies of proposals are available at Board office, front counter (1660 Mission Street, #3036, SF, CA 94103).

(5) **APPEAL NO. V00-048**

ALLAN & LORRAINE THOMPSON, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[50 Magnolia/1755 Chestnut Streets.
[Denial on March 22, 2000, of Rear Yard Variance [to relocate one dwelling unit from the 1755 [Chestnut Street building to the existing rear [carriage house at 50 Magnolia Street by renovating [and adding a floor and roof deck to the existing [building, setting back the new floor 15 feet from [Magnolia Street; the proposal also includes two [2'x7' extensions into the light wells of the existing [1755 Chestnut Street building; the total number of [dwelling units will remain six units.
[VARIANCE CASE NO. 99.164V.
[FOR HEARING TODAY.

(6) **APPEAL NO. 02-063**

ERIC YOUNG
dba "SF BATTLE ZONE", Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1968 Powell Street (583 Lombard Street).
[Appealing a Notice of Violation dated March 26,
[2002, addressed to Gan Woo Wong, that the small
[grocery store at the subject property has been
[converted into an internet café without benefit of a
[permit, in violation of Planning Code § 722.48 which
[requires conditional use (CU) authorization for "Other
[Entertainment Uses" in the North Beach
[Neighborhood Commercial Zoning District.
[PUBLIC TESTIMONY HEARD NOV. 13, 2002.
[FOR FURTHER CONSIDERATION TODAY.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 02-179**

CAI XIA GAO, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[330 – 2nd Avenue.
[Protesting the issuance on August 30, 2002, to
[Debbie Wong, Permit to Demolish a Building
[(3-story, 4-unit residential building with 1500s
[of ground floor area).
[APPLICATION NO. 2000/02/29/2998.
[FOR HEARING TODAY.

(7B) **APPEAL NO. 02-180**

CAI XIA GAO, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[330 – 2nd Avenue.
[Protesting the issuance on August 30, 2002, to
[Debbie Wong, Site Permit to Erect a Building
[(3-story, 3-unit residential building with 1,925s
of ground floor area).
[APPLICATION NO. 2000/02/29/3001S.
[FOR HEARING TODAY.

(8) **APPEAL NO. 02-183**

THOMAS CASHIN
& NATASHA TUCK, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING COMMISSION DISAPPROVAL

[138 –28th Street.
[Appealing the denial on Sept. 12, 2002, of Site
[Permit to Alter a Building (remodeling of 4-unit
[unit residential building to convert it into two
[residential units, addition of a partial fourth floor
[and remodeling of front and [back bay windows.
[APPLICATION NO. 2001/09/26/9303S.
[FOR HEARING TODAY.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 02-199**

VIACOM OUTDOOR, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[900 Evans Avenue.
[Appealing the denial on Sept. 27, 2002, of [Permit to Erect a Sign (single pole, double-[faced flag sign, 14' high X 48' long, with 1,344sf [of total surface area).
[APPLICATION NO. 2002/03/18/1694.
[FOR HEARING TODAY.

(9B) **APPEAL NO. 02-200**

VIACOM OUTDOOR, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[2325 Jerrold Avenue.
[Appealing the denial on Sept. 27, 2002, of [Permit to Erect a Sign (single pole, center [mounted sign, 14' high X 48' long, with 1,344sf [of total surface area).
[APPLICATION NO. 2002/03/20/1962.
[FOR HEARING TODAY.

(10) **APPEAL NO. 02-237**

TINA WOLLENBERGER
& RAFAEL CALDERON, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[2515-2519 Post Street.
[Protesting the issuance on March 29, 2002, [to Victor Ume-Ukeje, Permit to Alter a [Building (on 3-unit residential building: [renovation of each unit; upgrade of bath, [kitchen; finishes, lighting; no change to [building footprint; new garage.)
[APPLICATION NO. 2002/03/29/2665.
[JURISDICTION GRANTED DEC. 12, 2002.
[FOR HEARING TODAY.

(11) **APPEAL NO. 02-238**

PRABMABEN PATEL, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[2707 Lombard Street.
[Appealing the denial on December 19, 2002, [of Permit to Erect a Sign (ground, electric, [projecting, double-faced sign, 5' X 6'6" in [size, with 32.5sf of total surface area).
[APPLICATION NO. 2002/10/04/8270).
[FOR HEARING TODAY.

ITEMS (12A) & (12B) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 02-239**

KENNETH FONG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 11, [2002, to Ronald Wallace, Site Permit to [Erect a Building (3-story, single family [residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

(12B) **APPEAL NO. 02-241**

MORRIS & BRENDA ABBOTT, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 11, [2002, to Ronald Wallace, Site Permit to [Erect a Building (3-story, single family [residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

(13) **APPEAL NO. 02-242**

ANDREW BROWN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[938 Central Avenue.
[Protesting the issuance on December 13, [2002, to Raul Arriaza, Site Permit to Alter a [Building (two-story addition to single-family [house for two new dwelling units, and rear [addition to existing dwelling unit).
[APPLICATION NO. 2002/06/63/8073S.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: Feb. 20, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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DEPARTMENT 41

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 26, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

Present: President Arnold Y. K. Chin, Vice President Kathleen Harrington, Commissioner Douglas Shoemaker and Commissioner Hisashi Sugaya. Absent: Sabrina Saunders.

Catharine Barnes, Deputy City Attorney for the City Attorney (DCA); Lawrence Badiner, Zoning Administrator, Planning Department; Leo McFadden, Senior Building Inspector, DBI;

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: President Chin announced he would be absent on March 5.

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(3) **ADDENDUM ITEMS:** None.

(4) **SPECIAL ITEMS:**

ITEM A: Proposed departmental budget for fiscal year 2003-2004. For public hearing, consideration & adoption. Includes proposed changes in appeal filing fees. Copies of proposals are available at Board office, front counter (1660 Mission Street, #3036, SF, CA 94103).

ACTION: Upon motion by President Chin, the Board voted 5-0 to adopt the proposed budget, with no deletion of the court reporter, and with the proposed surcharge to apply to all departments whose permits are under Board's jurisdiction, and with the rehearing request fee to increase to $200.

Public comment on Proposed Budget for FT 2003-2004.

SPEAKER: Lawrence Badiner, ZA, explained the DR process and attendant fees.

(5) **APPEAL NO. V00-048**

ALLAN & LORRAINE THOMPSON, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[50 Magnolia/1755 Chestnut Streets.
[Denial on March 22, 2000, of Rear Yard Variance [to relocate one dwelling unit from the 1755 [Chestnut Street building to the existing rear [carriage house at 50 Magnolia Street by renovating [and adding a floor and roof deck to the existing [building, setting back the new floor 15 feet from [Magnolia Street; the proposal also includes two [2'x7' extensions into the light wells of the existing [1755 Chestnut Street building; the total number of [dwelling units will remain six units.
[VARIANCE CASE NO. 99.164V.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to overrule the denial of the subject variance with the following condition(s): a) that the 4th floor be reduced to stairs, elevator, bathroom and 2 storage closets with an additional 6 feet to the south, resulting in a footprint of 20 feet by 20 feet; b) that the Magnolia Street façade be redesigned with elimination of the bay windows, and with reduction in the amount of windows by at least 20% in order to reduce the void to solid ratio; c) that a fire escape be allowed if required by the Building Code; d) and with adoption of findings as submitted by the appellants' agent.

SPEAKERS: Lawrence Badiner, ZA, reported that the Appellant tried to meet with the tenant and that a potential eviction was the only issue for Planning and he explained his view on the five findings that must be met before a variance may be granted and he also explained the Commission's merger policy. Susan Michael, architect for the appellants explained that the seven-foot extensions are no longer part of the project and that the proposal is in keeping with the existing density of the block. She said she will eliminate the bays if the Board wants her to.

Public Comment for the ZA: Michael Weiner said he lives next door to the site. He said he opposes the project because it would add too much floor area to a building already larger than others near it and it would overwhelm his property.

Public Comment for Appellants: Jack Maita said he feels the project will add to the block and increase security for the area. Joanne Minsky said she is familiar with the area and the building and that her light is already blocked by the building on the other side and that she agrees that the proposed project will add to security at night. Maria Istel said he thinks the project will add to the beauty of the City. Jennifer Xu Iles said she supports neighborhood improvements like this project. Leo McFadden, SBI, DBI, explained the fire escape regulations as they apply in this case.

(6) **APPEAL NO. 02-063**

ERIC YOUNG
dba "SF BATTLE ZONE", Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1968 Powell Street (583 Lombard Street).
[Appealing a Notice of Violation dated March 26, [2002, addressed to Gan Woo Wong, that the small [grocery store at the subject property has been [converted into an internet café without benefit of a [permit, in violation of Planning Code § 722.48 which [requires conditional use (CU) authorization for "Other [Entertainment Uses" in the North Beach [Neighborhood Commercial Zoning District.
[PUBLIC TESTIMONY HEARD NOV. 13, 2002.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-1 (Commissioner Sugaya dissented) to continue the appeal to April 2, 2003.

SPEAKERS: Lawrence Badiner, ZA, reminded the Board that the matter was continued to allow the Appellant to seek a conditional use authorization from the Commission for ten devices in his store and that nothing has happened and no application has been filed yet and no contact has been made to try to work out how many devices are appropriate here. He urges the Board to uphold his action. Eric Young, Appellant, said he hasn't done anything because he has been working out of state and the Dwellers haven't responded to his letter. Gary Crowley of the Telegraph Hill Dwellers said his group hasn't changed its position and still opposes the Appellant's business.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 02-179**

CAI XIA GAO, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[330 – 2nd Avenue.
[Protesting the issuance on August 30, 2002, to [Debbie Wong, Permit to Demolish a Building [(3-story, 4-unit residential building with 1500sf [of ground floor area).
[APPLICATION NO. 2000/02/29/2998.
[FOR HEARING TODAY.

(7B) **APPEAL NO. 02-180**

CAI XIA GAO, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[330 – 2nd Avenue.
[Protesting the issuance on August 30, 2002, to [Debbie Wong, Site Permit to Erect a Building [(3-story, 3-unit residential building with 1,925sf of ground floor area).
[APPLICATION NO. 2000/02/29/3001S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the case to March 5, 2003 at the request of the parties.

SPEAKERS: None.

(8) **APPEAL NO. 02-183**

THOMAS CASHIN
& NATASHA TUCK, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING COMMISSION DISAPPROVAL

[138 –28th Street.
[Appealing the denial on Sept. 12, 2002, of Site
[Permit to Alter a Building (remodeling of 4-unit
[unit residential building to convert it into two
[residential units, addition of a partial fourth floor,
[and remodeling of front and [back bay windows.
[APPLICATION NO. 2001/09/26/9303S.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 2-3 (Commissioners Shoemaker, Sugaya & Saunders dissented) to overrule the denial, and grant the subject permit. Four votes being required to overturn any departmental action, the motion failed, and the denial of the subject permit was upheld.

SPEAKERS: Lawrence Badiner, ZA, disclosed that he owns property less than 3,000 feet from the subject site. He said this case was a staff DR and that the Commission said that although the units are subject to the Ellis Act they can still be sold as condos. Paul Utrecht, attorney for the owner introduced co-Appellant Natasha Tuck who explained their intention to convert the four-units into two units. Mr. Utrecht said it will take years to make into condos under the lottery process and that the policy for mergers changed after she had bought the building. He said fairness requires Board to approve the merger and that the housing situation has changed since the Commission's policy was adopted.

No public comment for either side.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 02-199**

VIACOM OUTDOOR, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. DISAPPROVAL

[900 Evans Avenue.
[Appealing the denial on Sept. 27, 2002, of
[Permit to Erect a Sign (single pole, double-
[faced flag sign, 14' high X 48' long, with 1,344sf
[of total surface area).
[APPLICATION NO. 2002/03/18/1694.
[FOR HEARING TODAY.

(9B) **APPEAL NO. 02-200**

VIACOM OUTDOOR, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[2325 Jerrold Avenue.
[Appealing the denial on Sept. 27, 2002, of [Permit to Erect a Sign (single pole, center [mounted sign, 14' high X 48' long, with 1,344sf [of total surface area).
[APPLICATION NO. 2002/03/20/1962.
[FOR HEARING TODAY.

ACTION: These 2 cases were withdrawn by the Appellant.

(10) **APPEAL NO. 02-237**

TINA WOLLENBERGER
& RAFAEL CALDERON, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[2515-2519 Post Street.
[Protesting the issuance on March 29, 2002, [to Victor Ume-Ukeje, Permit to Alter a [Building (on 3-unit residential building: [renovation of each unit; upgrade of bath, [kitchen; finishes, lighting; no change to [building footprint; new garage.)
[APPLICATION NO. 2002/03/29/2665.
[JURISDICTION GRANTED DEC. 12, 2002.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-1 (Vice President Harrington dissented) to continue the case to the indefinite calendar / call of the chair with the public hearing closed.

SPEAKERS: Tina Wollenberger, Appellant, quoted a Supreme Court decision and said the work on her unit had been done by an unlicensed electrician and explained the history of her dealings with the owner. Steve Williams, attorney for the permit holder, explained the court decision handed down in favor of his client and argued the Board has no jurisdiction now since there are no issues left to decide.

No public comment for either side.

Leo McFadden, SBI, DBI, said he will refer the allegations concerning the electrical work to the electrical inspector and that a bedroom is not permitted next to a garage under the Code. Victor Ume-Ukeje, Permit Holder, said the Appellant has harassed him and is trying to ruin him. Bruce Ball, contractor, said that he is renovating all three floors and that the units must be vacant for the safety of the occupants.

(11) **APPEAL NO. 02-238**

PRABMABEN PATEL, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[2707 Lombard Street.
[Appealing the denial on December 19, 2002, [of Permit to Erect a Sign (ground, electric, [projecting, double-faced sign, 5' X 6'6" in [size, with 32.5sf of total surface area).
[APPLICATION NO. 2002/10/04/8270).
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to continue the case to the indefinite calendar / call of the chair, with the public hearing closed.

SPEAKERS: Lawrence Badiner, ZA, said the sign is not in compliance with the Code because it is too high and too large. Only 250 square feet is allowed. Patel Mahesha, manager of the motel explained why the sign is needed for the benefit of drivers coming off the bridge who are confused as to access to his motel and that he only requests one sign be allowed him. He said he contacted Caltrans but they can't help him. Steve Peterson, contractor for the Appellant, thanked the Board for the suggestions as to how he can get permission for the sign.

No public comment for either side.

ITEMS (12A) & (12B) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 02-239**

KENNETH FONG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 11, [2002, to Ronald Wallace, Site Permit to [Erect a Building (3-story, single family [residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

(12B) **APPEAL NO. 02-241**

MORRIS & BRENDA ABBOTT, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 11, [2002, to Ronald Wallace, Site Permit to [Erect a Building (3-story, single family [residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the case to April 2, 2003 at the request of the parties.

SPEAKERS: None.

(13) **APPEAL NO. 02-242**

ANDREW BROWN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[938 Central Avenue.
[Protesting the issuance on December 13, [2002, to Raul Arriaza, Site Permit to Alter a [Building (two-story addition to single-family [house for two new dwelling units, and rear [addition to existing dwelling unit).
[APPLICATION NO. 2002/06/63/8073S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0 (Commissioner Saunders absent) to uphold the subject permit with the following condition(s): a) that a light well be installed 3ft X 4.5ft with one or two rescue windows on the perpendicular sides of the light well; b) that said rescue windows be 24 inches in width; and c) with a finding that there exist exigent circumstances, and that the requirement for a 5ft X 10 ft light well is waived.

SPEAKERS: Andrew Brown, Appellant and owner of 944 Central, explained his opposition to the project because of his need for a light well that will allow air to keep his building dry and free from mildew. Van Ly, architect for Permit Holder, explained the problem a light well will cause. Leo McFadden, SBI, DBI, explained the Code requirements for residential light wells.

No public comment for either side:

There being no further business, President Chin adjourned the meeting at 9:15 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

REGULAR MEETING - WEDNESDAY, MARCH 5, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS**:

(3) **SPECIAL ITEM(S)**:

ITEM A: Informational presentation by the Mayor's Office of Housing on low-income housing development and the approval process.

(4) **ADDENDUM ITEM(S)**: None.

(5) **CONSENT ITEMS (DBI PENALTY)**: With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(5A) **APPEAL NO. 03-001**

LOWELL BUCKNER, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[888 Elizabeth Street.
[Appeal for refund of penalty imposed on [January 3, 2003, for work done without a [permit (on 3-story duplex: renew Building [Permit Application No(s). 2000/12/04/7094 [to finish work, and abate NOV #20012367).
[APPLICATION NO. 2002/07/16/1531.
[FOR HEARING TODAY.

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(5B) **APPEAL NO. 03-002**

JANE FETTERMAN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[2929 Fillmore Street
[Appeal for refund of penalty imposed on [January 8, 2003, for work done without a [permit (on 3-unit residential building: remove [existing kitchen cabinets, hook up new sink, [and comply with NOV #200336534).
[APPLICATION NO. 2003/01/08/4787.
[FOR HEARING TODAY.

(5C) **APPEAL NO. 03-005**

SCOTT WALLACE
& NEHA SANGWAN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[1108-1110 Page Street.
[Appeal for refund of penalty imposed on [January 14, 2003, for work done without a [permit (on 2-family residential building: [comply with NOV #200223652, remove [illegal stair addition from 3rd to 4th level, [remove illegal playhouse and structure, [remove non-permitted storage area/room, & [remove non-load bearing wall on ground [floor).
[APPLICATION NO. 2002/12/12/3367.
[FOR HEARING TODAY.

(5D) **APPEAL NO. 03-008**

YONG POM LEE, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[3727 Geary Blvd.
[Appeal for refund of penalty imposed on [January 15, 2003, for work done without a [permit (on 2-family residential/commercial [building with restaurant: legalize work done [without a permit, provide upgrade to 20% of [valuation, and tenant improvements).
[APPLICATION NO. 2002/10/17/9225.
[FOR HEARING TODAY.

(6) **APPEAL NO. 02-171**

PHONG T. NGUYEN
& TRIEU MUOI, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[1671 – 40th Avenue.
[Protesting the issuance on August 26, 2002, to [Can Pei Zhang, Site Permit to Alter a Building [(horizontal rear addition on single-family [house).
[APPLICATION NO. 2001/11/28/4069S.
[PUBLIC HEARING HELD & CLOSED FEB. 19, [2003.
[FOR FURTHER CONSIDERATION TODAY.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 02-179**

CAI XIA GAO, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[330 – 2nd Avenue.
[Protesting the issuance on August 30, 2002, to [Debbie Wong, Permit to Demolish a Building [(3-story, 4-unit residential building with 1500sf [of ground floor area).
[APPLICATION NO. 2000/02/29/2998.
[FOR HEARING TODAY.

(7B) **APPEAL NO. 02-180**

CAI XIA GAO, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[330 – 2nd Avenue.
[Protesting the issuance on August 30, 2002, to [Debbie Wong, Site Permit to Erect a Building [(3-story, 3-unit residential building with 1,925sf of ground floor area).
[APPLICATION NO. 2000/02/29/3001S.
[FOR HEARING TODAY.

(8) **APPEAL NO. V02-193**

KEITH DICKINSON, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[2065 – 14th Avenue.
[Appealing the condition(s) imposed on a Rear & [Side Yard Variance (on single-family house: [legalize the existing non-conforming 4 foot 5 [inch high deck and retaining wall located in the [required rear yard and side setback on [condition that the illegally constructed non-[complying second-story rear deck be removed, [and that the railings for the lower level deck and [stairs be kept open).
[VARIANCE CASE NO. 2002.0364V.
[FOR HEARING TODAY.

(9) **APPEAL NO. 02-220**

ROGER GONZALES, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[715 Brazil Street.
[Protesting the issuance on October 24, 2002, [to Lenora Lai Ngor Wong, Permit to Alter a [Building (on 2-family residential building: [remove existing ground floor unit and legalize [as storage per NOV #200232574; legalize all [partitions and related electrical work).
[APPLICATION NO. 2002/09/17/6621.
[FOR HEARING TODAY.

(10) **APPEAL NO. 02-243**

NEXT MEDIA OUTDOOR INC., Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[60-80 Broadway.
[Appealing a Letter of Determination dated
[December 12, 2002, addressed to Brett
[Gladstone, that because there is a case before
[the Board of Appeals concerning the revocation
[of Building Permit Application No(s). 9908729 at
[the subject property (Appeal No. 01-154),
[which affects the issue of submitting Planning
[Department requirements, the Planning
[Department has no jurisdiction until the Board
[of Appeals has ruled on the appeal.
[FOR HEARING TODAY.
[**NOTE**: On Dec. 18, 2002, the Board voted 3-2
[to uphold the revocation of the subject permit;
[the request for rehearing was withdrawn on
[Jan. 29, 2003 by the appellant, and the Notice
[of Decision was released on Jan. 31, 2003.

(11) **APPEAL NO(S). 02-244/245/246**

ALAC DEAN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[2173 Turk Street.
[Appealing the suspension on December 16,
[2001 of Building Permit Application No(s).
[2001/12/24/5838, 2001/12/28/6060 &
[2002/05/10/6292 for the reason that there
[has been an expansion of the building
[envelope, and the construction of a floor of
[occupancy as part of the replacement of the
[roof framing, all done without review and
[approval of the Planning Dept., and without
[the required § 311 notification to neighbors.
[FOR HEARING TODAY.

(12) **APPEAL NO. V03-003**

BONNIE DEMERGASSO, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[3196 Pacific Avenue.
[Protesting the granting on January 6, 2003, to [Dan Phipps Architects (Subject Property Owner [John Conlin), Rear Yard Variance (on single-[family house: construction of an addition at the [basement, 1st and 2nd floors at the northeast [corner of the rear of the existing building in the [required rear yard).
[VARIANCE CASE NO. 2002.1008V
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: Feb. 27, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 5, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

Present: Vice President Kathleen Harrington, Commissioner Douglas Shoemaker, and Commissioner Hisashi Sugaya. Absent: President Arnold Y. K. Chin.

Catharine Barnes, Deputy City Attorney for the City Attorney (DCA); Jonas Ionin, Planning Department, Leo McFadden, Senior Building Inspector, DBI, and Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board of Appeals; Official Court Reporter Claudine Woeber.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: No speakers.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Shoemaker confirmed date for appeal No. 02-152 on April 23, 2003.

(**SPECIAL ITEM (S):**

ITEM A: Informational presentation by the Mayor's Office of Housing on low-income housing development and the approval process.

SPEAKER: Joel Lipski, Director of Mayor's Office of Housing, explained how affordable housing projects are processed and units registered with MOH, including methods of financing and of cost reduction and parking standards that apply to such projects. He said all the information about affordable housing is on their web site.

(3) **ADDENDUM ITEM (S):** None.

(4) **ADDENDUM ITEM (S)** none.

(5) **CONSENT ITEMS (DBI PENALTY):** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(5A) **APPEAL NO. 03-001**

LOWELL BUCKNER, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[888 Elizabeth Street.
[Appeal for refund of penalty imposed on [January 3, 2003, for work done without a [permit (on 3-story duplex: renew Building [Permit Application No(s). 2000/12/04/7094 [to finish work, and abate NOV #20012367).
[APPLICATION NO. 2002/07/16/1531.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-0-1 (President Chin absent) to reduce the subject penalty to 2 times the regular fee.

SPEAKERS: Lowell Buckner, Appellant, said he has had many problems with DBI over his house over the past 25 years and he asks that the penalty be reduced to two times the regular fee. Leo McFadden, SBI, DBI, said the Department feels some reduction of the penalty is acceptable and they will go along with the Board's decision.

(5B) **APPEAL NO. 03-002**

JANE FETTERMAN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[2929 Fillmore Street
[Appeal for refund of penalty imposed on [January 8, 2003, for work done without a [permit (on 3-unit residential building: remove [existing kitchen cabinets, hook up new sink, [and comply with NOV #200336534).
[APPLICATION NO. 2003/01/08/4787.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (President Chin absent) to reduce the subject penalty to 2 times the regular fee.

SPEAKERS: Jane Fetterman, Appellant, said she didn't know a permit was necessary for the replacement of kitchen cabinets so she didn't obtain one. Leo McFadden, SBI, DBI, explained that under the State Building Code cabinets don't need a permit but under the City's amendments they do. He said some reduction in penalty at the discretion of the Board is acceptable.

(5C) **APPEAL NO. 03-005**

SCOTT WALLACE
& NEHA SANGWAN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[1108-1110 Page Street.
[Appeal for refund of penalty imposed on [January 14, 2003, for work done without a [permit (on 2-family residential building: [comply with NOV #200223652, remove [illegal stair addition from 3rd to 4th level, [remove illegal playhouse and structure, [remove non-permitted storage area/room, & [remove non-load bearing wall on ground

[floor).
[APPLICATION NO. 2002/12/12/3367.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-0-1 (President Chin absent) to reduce the subject penalty to 2 times the regular fee.

SPEAKERS: None.

(5D) **APPEAL NO. 03-008**

YONG POM LEE, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[3727 Geary Blvd.
[Appeal for refund of penalty imposed on [January 15, 2003, for work done without a [permit (on 2-family residential/commercial [building with restaurant: legalize work done [without a permit, provide upgrade to 20% of [valuation, and tenant improvements).
[APPLICATION NO. 2002/10/17/9225.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-0-1 (President Chin absent) to reduce the subject penalty to 2 times the regular fee.

SPEAKERS: Mr. Shin, a friend of the Appellant, spoke for him and said that the Appellant had converted the space to a sushi bar and didn't know that a permit was required for the work. Leo McFadden, SBI, DBI, described the project and said that counter and bathroom was added to the space with no permit and that the work has been done and the ADA met. He left it for the Board to decide the penalty.

(6) **APPEAL NO. 02-171**

PHONG T. NGUYEN
& TRIEU MUOI, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[1671 – 40th Avenue.
[Protesting the issuance on August 26, 2002, to [Can Pei Zhang, Site Permit to Alter a Building [(horizontal rear addition on single-family [house).
[APPLICATION NO. 2001/11/28/4069S.
[PUBLIC HEARING HELD & CLOSED FEB. 19, [2003.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (President Chin absent) to uphold the permit on condition that the depth be pulled back another 5 feet (from the revised plans dated Feb. 27, 2003), and that the light well be eliminated.

SPEAKERS: Appellants Phong Nguyen and Trien Muoi explained that they still oppose the project and the revised plans submitted do not follow the directions of the Board. They described the permit holder's other buildings and his Code violations. Ahmad Larizadeh, Agent for the owner, described the revisions made to the plans at the request of the Board and asked that the revised plans be approved. Jonas Ionin, Planner, explained his Department's concern about the lightwell for the benefit of a utility room and study as well as the length of the building.

No public comment for either side.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 02-179**

CAI XIA GAO, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[330 – 2nd Avenue.
[Protesting the issuance on August 30, 2002, to [Debbie Wong, Permit to Demolish a Building [(3-story, 4-unit residential building with 1500sf [of ground floor area).
[APPLICATION NO. 2000/02/29/2998.
[FOR HEARING TODAY.

(7B) **APPEAL NO. 02-180**

CAI XIA GAO, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[330 – 2nd Avenue.
[Protesting the issuance on August 30, 2002, to [Debbie Wong, Site Permit to Erect a Building [(3-story, 3-unit residential building with 1,925sf of ground floor area).
[APPLICATION NO. 2000/02/29/3001S.
[FOR HEARING TODAY.

ACTION: Both appeals withdrawn at the request of the Appellant.

(8) **APPEAL NO. V02-193**

KEITH DICKINSON, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[2065 – 14th Avenue.
[Appealing the condition(s) imposed on a Rear & [Side Yard Variance (on single-family house: [legalize the existing non-conforming 4 foot 5 [inch high deck and retaining wall located in the [required rear yard and side setback on [condition that the illegally constructed non-[complying second-story rear deck be removed, [and that the railings for the lower level deck and [stairs be kept open).
[VARIANCE CASE NO. 2002.0364V.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (President Chin absent) to overrule the condition requiring removal of the 2nd story rear deck.

SPEAKERS: Jonas Ionin, Planner, described the work done without a permit and explained why the conditions were imposed in the granting of the variance. Keith Dickinson, Variance Holder and Appellant, said he hadn't made a presentation at the variance hearing but that he does need the second story balcony for his family's access to the rear yard

(9) **APPEAL NO. 02-220**

ROGER GONZALES, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[715 Brazil Street.
[Protesting the issuance on October 24, 2002, [to Lenora Lai Ngor Wong, Permit to Alter a [Building (on 2-family residential building: [remove existing ground floor unit and legalize [as storage per NOV #200232574; legalize all [partitions and related electrical work).
[APPLICATION NO. 2002/09/17/6621.
[FOR HEARING TODAY.

ACTION: Appeal withdrawn by the Apellant.

SPEAKERS: Roger Hinson representing the Appellant submitted a letter from his client and a signed agreement from the parties and withdrew the appeal.

(10) **APPEAL NO. 02-243**

NEXT MEDIA OUTDOOR INC., Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[60-80 Broadway.
[Appealing a Letter of Determination dated [December 12, 2002, addressed to Brett [Gladstone, that because there is a case before [the Board of Appeals concerning the revocation [of Building Permit Application No(s). 9908729 at [the subject property (Appeal No. 01-154), [which affects the issue of submitting Planning [Department requirements, the Planning [Department has no jurisdiction until the Board [of Appeals has ruled on the appeal.
[FOR HEARING TODAY.
[**NOTE**: On Dec. 18, 2002, the Board voted 3-2 [to uphold the revocation of the subject permit; [the request for rehearing was withdrawn on [Jan. 29, 2003 by the appellant, and the Notice [of Decision was released on Jan. 31, 2003.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (President Chin absent) to uphold the subject determination.

SPEAKERS: Jonas Ionin, Planner, said the appeal is not clear and he described the myriad of continuances and rescheduling requests by the Appellant for more than a year and said that Planning no longer has any jurisdiction in the matter since the Board upheld the Department's revocation on December 12, 2002. Brett Gladstone, attorney for the Appellant asked the Board to order the ZA to respond to his letter of last summer which asked for the reason their conditional use application was not accepted.

No public comment for either side.

Catharine Barnes, DCA, in response to a Board question said that the Board could deny the request since they do not have the power to order the ZA to issue a letter. This would make a clear administrative record.

(11) **APPEAL NO(S). 02-244/245/246**

DEAN ALEC, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[2173 Turk Street.
[Appealing the suspension on December 16, [2001 of Building Permit Application No(s). [2001/12/24/5838, 2001/12/28/6060 & [2002/05/10/6292 for the reason that there [has been an expansion of the building [envelope, and the construction of a floor of [occupancy as part of the replacement of the [roof framing, all done without review and [approval of the Planning Dept., and without [the required § 311 notification to neighbors. [FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (President Chin absent) to uphold the suspension with a suggestion that DBI look at removal of items 4, 5 & 6 in Mr. Sarris' Feb. 25, 2003 submittal instead of legalization.

SPEAKERS: Bertrand Kaufman, attorney for appellant Dean Alac explained that his client had filed the application at the direction of the departments so that notice could be sent to the neighbors and the permit was approved by Planning and issued on May 6, 2002. Now there is a new owner. The project was inspected and a CFC issued and the suspension is not timely. Leo McFadden, SBI, DB explained the many Code violations on the property and the misrepresentations on the plans. Dorian Sarris the complaining neighbor, asked that the Board require the removal of certain items and said that since the present owners took over it has been a nightmare for him. He feels it is a "Winchester Mystery House". Jonas, Ionin, Planner, said that Planning had signed off on the application because the plans misrepresented the situation and what part was lawfully existing and that there were exterior and interior alterations to be done. A Section 311 notice will have to go out again.

No public comment for the Appellant.

(12) **APPEAL NO. V03-003**

BONNIE DEMERGASSO, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[3196 Pacific Avenue.
[Protesting the granting on January 6, 2003, to [Dan Phipps Architects (Subject Property Owner [John Conlin), Rear Yard Variance (on single-[family house: construction of an addition at the [basement, 1st and 2nd floors at the northeast [corner of the rear of the existing building in the [required rear yard).
[VARIANCE CASE NO. 2002.1008V
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-0-1 (President Chin absent) to reschedule the appeal to April 23, 2003.

SPEAKERS: Jonas Ionin explained the nature of the variance for the property next to the Presidio for the minor addition proposed. Bonnie Demergasso, Appellant, explained why she opposes the project and the variance and described the compromise she wanted which had been offered in December and not accepted. David Cincotta, attorney for the variance holder, agreed to a rescheduling of the appeal to April 23, 2002.

There being no further business, Vice President Harrington adjoined the meeting at 7:55 p.m.

Kathleen Harrington, Vice President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

REGULAR MEETING - WEDNESDAY, MARCH 19, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

ITEM A: 1012 Divisadero Street. Letter from Marc Goldsmith, Requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2002/01/25/7741. Permit Holder(s): Eric Schleelein & Flora Cheung. Project: construction of a one-story garage.

Date Permit Issued:	July 15, 2002
Last Day to Appeal:	July 30, 2002 (Appeal filed by Requestor, 02-141; permit upheld by Board on Dec. 18, 2002 due to Requestor's non-appearance)
Date Jurisdiction Request Received:	March 3, 2003

ITEM B: 2735 Larkin Street. Letter from John Loughran, Requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2002/10/18/9395 & 2002/11/15/1602. Permit Holder(s): Adam Landsdorf. Project (1st permit): interior remodel of single family house with structural improvements only to remove short kitchen, corner wall with new post, expand master bedroom and laundry room, & plywood wall strengthening with accompanying tie-downs; no change to unit count or occupancy. Project (2nd permit): interior remodel of kitchen, bathrooms; removal of windows to be replaced with doors; construction of decks over garage, roof of basement for structural DWGS, gate at rear yard easement; revision to clarify scope.

Date Permit Issued:	Oct. 18, 2002 & Nov. 15, 2002, respectively
Last Day to Appeal:	Nov. 4, 2002 & Dec. 2, 2002, respectively
Date Jurisdiction Request Received:	March 3, 2003

(3) **ADDENDUM ITEMS (CONTINUED):**

ITEM C: 412 Lombard Street. Appeal No(s). 02-233/234/235, Thomas, Tarone, Giachino & Fong vs. DBI, PDA. Report from the Zoning Administrator concerning the compliance of the plar with the March 2001 variance and the Discretionary Review (DR) conditions.

ITEM D: 412 Lombard Street. Letter from Charles Thomas, Co-Appellant, requesting rehearir of Appeal No(s). 02-233, Thomas & Tarone vs. DBI, PDA, decided Feb. 19, 2003. At that tim upon motion by President Chin, the Board voted 5-0 to uphold the subject permit with t following condition(s): a) that white reflective paint be used in the light wells; b) that the window wall ratio on the façade be reduced; c) that the Declaration of Use Limitation be amended to nc that Ms. Fong's property is the beneficiary; and d) that the plans comply with the March 20 variance and the Discretionary Review (DR) conditions, with a report from the Zoni Administrator on March 19, 2003 concerning said compliance issues.

(4) **APPEAL NO. 02-172**

TOM KATZ, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. DISAPPROVAL

[1349 Clayton Street.
[Appealing the denial on August 30, 2002, f
[Permit to Alter a Building (on 13-unit apartme
[building: replace existing steel with vinyl retrc
[– same shape and size; total 20 windows).
[APPLICATION NO. 2002/07/25/2280.
[FOR HEARING TODAY.

(5) **APPEAL NO. 03-004**

FRIEDA HUMBOLDT,
FELICIA MICHAELS &
FAYE ADELSTEIN, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[493 Haight Street.
[Protesting the issuance on December 27, 200
[to the Haight & Fillmore Association LL
[Permit to Alter a Building (on 31-unit mixed u
[residential/commercial building: installation o
[omni type antenna equipment).
[APPLICATION NO. 2002/10/23/9754.
[FOR HEARING TODAY.

(6) **APPEAL NO. 03-006**

DOMINIC MASSONI, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[101 Genebern Way.
[Protesting the issuance on January 2, 2003, to [Soledad de Cruz, Permit to Alter a Building (in [front of single-family house: re-cut the curve 10 [feet at 101 Genebern Way & re-cut the curve 10 [feet at 100 Murray Street).
[APPLICATION NO. 2003/01/02/4448.
[FOR HEARING TODAY.

(7) **APPEAL NO. 03-009**

IBRAHIM MALIK,SALWA
GHAIM & THOMAS NGAI, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[39 Country Club Drive.
[Protesting the issuance on January 3, 2003, to [David Truong, Site Permit to Alter a Building [(horizontal addition on single-family house).
[APPLICATION NO. 2002/02/25/9908S.
[FOR HEARING TODAY.

(8) **APPEAL NO. 03-011**

PAULA & STANLEY deBELLA, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[1209 Vicente Street.
[Protesting the issuance on January 7, 2003, to [Dennis Liu, Permit to Alter a Building (on 3-unit [apartment building with retail: revision to [Building Permit Application No(s). [2002/02/26/9985S; adding mezzanine +/- 395sf [(less than 1/3 of ground floor); change floor [layout of unit 3 on the 3rd floor; raised ceiling at [living room of unit 3; façade changes – larger [bay windows on 2nd floor, and tile roof at front; [structural changes - adding mezzanine framing, [minor roof and ceiling at living room of unit 3, [and minor shear and holdown location).
[APPLICATION NO. 2002/10/02/7975.
[FOR HEARING TODAY.

(9) **APPEAL NO. V03-012**

JAMES ESTEY, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[2815 Diamond Street.
[Protesting the granting on January 9, 2003,
[David Prowler at Glen Park Market Place LL
[Rear Yard, Parking, Usable Open Space
[Dwelling Unit Exposure Variance(s) (propos
[may be constructed with 1,440sf of rear yard
[the southeast corner of the property whe
[4000sf are required; no parking spaces for th
[nonresidential uses where 14 are require
[1,454sf of usable open space and some of th
[open space areas with minimum dimensions
[4.5 feet and 8 feet where 1,714sf of usab
[open space with minimum dimensions of 6 fe
[for private open space and 15 feet for comm
[space are required; and with 6 of the propose
[15 dwelling units to not have windows faci
[either a public right-of-way or a Code complyi
[rear yard.
[VARIANCE CASE NO. 2002.0124V.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holde Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determinati resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: March 13, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDIN(OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THI CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials revocations and suspensions the representatives of the department, board, commission or perso from whose order the appeal is taken shall speak first and shall be allowed seven minutes for the presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minute for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes t present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seve minutes to present oral argument and three minutes for rebuttal. The Board may request departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to thre minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the dat of hearing. In the event that a matter is continued to a specific date by the presiding officer ar announced to the parties in the hearing room, no additional mailed notice will be sent. Please ca the Board office at 575-6880 for scheduling or other information during regular business hours, visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Boar should be addressed to the Board President, and be received at the Board office, 1660 Missio Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled publ hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 19, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

Present: President Arnold Y. K. Chin, Vice President Kathleen Harrington, and Commissioner Hisashi Sugaya and Commissioner Sabrina Saunders. Absent: Commissioner Douglas Shoemaker.

Catharine Barnes, Deputy City Attorney for the City Attorney (DCA); Lawrence Badiner, Zoning Administrator, Planning Department; Laurence Kornfield, Chief Building Inspector, DBI; and Robert Feldman, Executive Secretary for the Board of Appeals; Official Court Reporter Claudine Woeber.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: No speakers.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: Board adopted a motion thanking Judith Boyajian, deputy city attorney for advising the Board for fifteen years.

(3) **ADDENDUM ITEMS:**

ITEM A: 1012 Divisadero Street. Letter from Marc Goldsmith, Requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2002/01/25/7741. Permit Holder(s): Eric Schleelein & Flora Cheung. Project: construction of a one-story garage.

Date Permit Issued:	July 15, 2002
Last Day to Appeal:	July 30, 2002 (Appeal filed by Requestor, 02-141; permit upheld by Board on Dec. 18, 2002 due to Requestor's non-appearance)
Date Jurisdiction Request Received:	March 3, 2003

ACTION: Upon motion by commissioner Saunders, the Board voted 4-0-1 (Commissioner Shoemaker absent) to deny the jurisdiction request.

SPEAKERS: Marc Goldsmith asked the Board to allow him to file a late appeal because the permit was issued over the counter and it was not noticed or reviewed properly. Eric Schleelein, Permit Holder, objected to a new appeal period and said he had followed all the regulations and procedures and all the relevant bureaus and departments have signed off on his permit; and the Board has already upheld the permit once at the December 18, 2002 hearing.

ITEM B: 2735 Larkin Street. Letter from John Loughran, Requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2002/10/18/9395 & 2002/11/15/1602. Permit Holder(s): Adam Landsdorf. Project (1st permit): interior remodel of single family house with structural improvements only to remove short kitchen, corner wall with new post, expand master bedroom and laundry room, & plywood wall strengthening with accompanying tie-downs; no change to unit count or occupancy. Project (2nd permit): interior remodel of kitchen, bathrooms; removal of windows to be replaced with doors; construction of decks over garage, roof of basement for structural DWGS, gate at rear yard easement; revision to clarify scope.

Date Permit Issued:	Oct. 18, 2002 & Nov. 15, 2002, respectively
Last Day to Appeal:	Nov. 4, 2002 & Dec. 2, 2002, respectively
Date Jurisdiction Request Received:	March 3, 2003

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Shoemaker absent) to deny the jurisdiction request for both permits.

SPEAKERS: John Loughran, Requestor said that there was no need for the Board to grant jurisdiction on the first permit. Laurence Kornfield, CBI, DBI, explained that his Department has issued a Stop Work Notice on the second permit and a letter date March 11, 2002 allowing the Requestor a new appeal period because of lack proper notification in November 2002.

ITEM C: 412 Lombard Street. Appeal No(s). 02-233/234/235, Thomas, Tarone, Giachino & Fong vs. DBI, PDA. Report from the Zoning Administrator concerning the compliance of the plans with the March 2001 variance and the Discretionary Review (DR) conditions.

SPEAKERS: Lawrence Badiner said that this is a contentious project and his review of plans with his staff shows that the plans meet the minimum standards of the Planning commission's and Zoning Administrator's decision and the Code. He feels drawings are okay. Mr. Badiner said the plans could be dimensioned better.

ITEM D: 412 Lombard Street. Letter from Charles Thomas, Co-Appellant, requesting rehearing of Appeal No(s). 02-233, Thomas & Tarone vs. DBI, PDA, decided Feb. 19, 2003. At that time, upon motion by President Chin, the Board voted 5-0 to uphold the subject permit with the following condition(s): a) that white reflective paint be used in the light wells; b) that the window to wall ratio on the façade be reduced; c) that the Declaration of Use Limitation be amended to note that Ms. Fong's property is the beneficiary; and d) that the plans comply with the March 2001 variance and the Discretionary Review (DR) conditions, with a report from the Zoning Administrator on March 19, 2003 concerning said compliance issues.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-0-1 (Commissioner Shoemaker absent) to deny the rehearing request.

SPEAKERS: Charles Thomas, Appellant requesting rehearing, said he has discovered new evidence about the Board's failure to follow its own rules that justifies a rehearing. His side did not have enough time to present their case and his proposed conditions at the first hearing. David Silverman, attorney for the Permit Holder, objected to a rehearing since there is no new evidence being offered that could justify a rehearing. Planning has reviewed the plans as directed to by the Board and has found them to be adequate.

(4) **APPEAL NO. 02-172**

TOM KATZ, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. DISAPPROVAL

[1349 Clayton Street.
[Appealing the denial on August 30, 2002, of [Permit to Alter a Building (on 13-unit apartment [building: replace existing steel with vinyl retrofit [– same shape and size; total 20 windows).
[APPLICATION NO. 2002/07/25/2280.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 3-1-1 (Commissioner Sugaya dissented, Commissioner Shoemaker absent) to overrule the denial and grant the subject permit. Four votes being required to overturn any departmental action, the motion failed and the denial of the subject permit was upheld.

SPEAKERS: Lawrence Badiner, Zoning Administrator, explained why the permit application was denied and he explained that the building is in the 1976 architectural survey and that the application should have been reviewed thoroughly so that the application should have been reviewed thoroughly so that any new windows will be appropriate for this architecturally significant building, even though it is not a formerly designated landmark. Tom Katz, Appellant explained that he had gotten a permit over the counter which was signed by a planner and several planners at the counter offered to sign the application, saying it was proper. Windows are energy efficient and desirable for the tenants. He asked the Board to overrule the denial and to grant the permit. He said the application never left his hands and was not routed upstairs.

No public comment for the Zoning Administrator.

Public comment for the Appellant: Ronald Cain, owner of the building, said that the windows are appropriate and are for the benefit of his tenants who need insulated windows. Simon C. Brown, retired building inspector, explained his view of the AS procedures and asked the Board to overrule Planning.

(5) **APPEAL NO. 03-004**

FRIEDA HUMBOLDT,
FELICIA MICHAELS &
FAYE ADELSTEIN, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[493 Haight Street.
[Protesting the issuance on December 27, 2002,
[to the Haight & Fillmore Association LLC,
[Permit to Alter a Building (on 31-unit mixed use
[residential/commercial building: installation of 2
[omni type antenna equipment).
[APPLICATION NO. 2002/10/23/9754.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Shoemaker absent) to uphold the subject permit with the following conditions: a) that the antennas be limited to 2 watts each; b) that the readings be reported monthly to the Dept. of Public Health and the Appellants; c) that there be no exposed wiring, wiring to be inside; d) that the antennas shall not be as visible as they presently are in front of the building as per the letter dated Feb. 5, 1998 by then Zoning Administrator Robert Passmore; e) and that the roof access cable tray shall be covered and painted as per the aforementioned letter.

SPEAKERS: Fay Adelstein. Co-Appellant, spoke for all three Appellants who live in the subject building. She said they have no confidence the company will follow the regulations and she feels there are safety problems and hazards for this residential building. Tony Kim, attorney for Cingular Wireless, the Permit Holder, explained the company's needs for these antennas for coverage in the Haight. He said there was no PG&E power turned on yet. Lawrence Badiner, ZA, explained why no Conditional Use Authorization is necessary for this installation.

Public Comment for Appellants: Arletta Sen explained that the commission is considering revisions to their regulations of antennas. Katya George said she witnessed the work by PacBell and didn't protest. Her roof was damaged by workers and now leaks. Doug Loranger for SNAFU said the site guidelines are clear and this project needs a CU and is not an accessory use. "This is a Trojan Horse". Gloria Tulanowski said this is a heritage site and there are serious Building Code violations from basement to roof. George Robertson said that there are hundreds of antennas in the area already. Katya George said it seems as if the power is on already because she hears the humming from the box. Frieda Humboldt,. Co-Appellant, discussed the emission and how they exceed Code limits. Jerrod Bushberg, engineer for the Permit Holder, answered Board questions about the equipment.

No public comment for the Permit Holder.

(6)

APPEAL NO. 03-006

DOMINIC MASSONI, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[101 Genebern Way.
[Protesting the issuance on January 2, 2003, to
[Soledad de Cruz, Permit to Alter a Building (in
[front of single-family house: re-cut the curve 10
[feet at 101 Genebern Way & re-cut the curve 10
[feet at 100 Murray Street).
[APPLICATION NO. 2003/01/02/4448.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-0-1 (Commissioner Shoemaker absent) to revoke the subject permit with a finding that these 2 curb cuts are illegal since they do not lead into garages.

SPEAKERS: Dominic Massoni, Appellant, explained his four reasons for protesting the project revising curbs which he feels will result in elimination of four street parking spaces and is out of character with the neighborhood and will increase traffic. Mrs. Massoni said there are no rented units but they need room for their two daughters. Mike deCruz, Permit Holder, explained his senior citizen operation and why he needs the curbs revised.

(7)

APPEAL NO. 03-009

IBRAHIM MALIK,SALWA
GHAIM & THOMAS NGAI, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[39 Country Club Drive.
[Protesting the issuance on January 3, 2003, to
[David Truong, Site Permit to Alter a Building
[(horizontal addition on single-family house).
[APPLICATION NO. 2002/02/25/9908S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 1-3-1 (President Chin, Vice President Harrington and Commissioner Sugaya dissented, Commissioner Shoemaker absent) to reschedule the appeal to April 23, 2003. 3 votes being required to reschedule an appeal, the motion failed, and the appeal went forward for hearing. Afterwards, upon motion by Commissioner Saunders, the Board voted 3-1-1 (Commissioner Sugaya dissented, Commissioner Shoemaker absent) to uphold the subject permit on condition that the addition be shortened on the 2nd floor to 15 ½ feet. 4 votes being required to modify or overturn any departmental action, the motion failed, and the subject permit was upheld with no conditions.

SPEAKERS: Ibrahim Malik, Appellant, explained his issues with the project and asked for a continuance. He said the extension projects three feet beyond the house to the east. Thanh Ngo objected to a continuance. Lawrence Badiner, ZA, explained that the notice of the project was not done well and may have been inadequate. Thomas Ngai, Appellant, said the drawings are mislabeled and elevations are wrong. The project will impact his privacy. Sara Troung, wife of the Permit Holder said they have deep roots in the area, want to stay in it and can't afford to move to a bigger house and they want to expand their present house. Lawrence Badiner, ZA, agreed that notice was misleading and asked for better notice.

Public Comment for Appellants:

Eddie Wan said the proposed addition will block the light to his yard. Annette Crivello said the permit holders should have bought a larger house. Leslie Zamarripa said the first plans were acceptable but the new ones proposed will result in an invasion of her privacy and light. Nancy Berga said she supports the appellants and she thinks addition is totally inappropriate in this unique neighborhood.

No public comment for Permit Holders.

Salwa Ghnaim, wife of co-Appellant, said the addition will block light to her yard and she needs to garden. She thinks, if approved this will be a bad precedent for the area.

(8) **APPEAL NO. 03-011**

PAULA & STANLEY deBELLA, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[1209 Vicente Street.
[Protesting the issuance on January 7, 2003, to [Dennis Liu, Permit to Alter a Building (on 3-unit [apartment building with retail: revision to [Building Permit Application No(s). [2002/02/26/9985S; adding mezzanine +/- 395sf [(less than 1/3 of ground floor); change floor [layout of unit 3 on the 3rd floor; raised ceiling at [living room of unit 3; façade changes – larger [bay windows on 2nd floor, and tile roof at front; [structural changes - adding mezzanine framing, [minor roof and ceiling at living room of unit 3, [and minor shear and holdown location).
[APPLICATION NO. 2002/10/02/7975.
[FOR HEARING TODAY.

ACTION: Appeal withdrawn by the Appellants.

(9) **APPEAL NO. V03-012**

JAMES ESTEY, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[2815 Diamond Street.
[Protesting the granting on January 9, 2003, to [David Prowler at Glen Park Market Place LLC, [Rear Yard, Parking, Usable Open Space & [Dwelling Unit Exposure Variance(s) (proposal [may be constructed with 1,440sf of rear yard in [the southeast corner of the property where [4000sf are required; no parking spaces for the [nonresidential uses where 14 are required; [1,454sf of usable open space and some of the [open space areas with minimum dimensions of [4.5 feet and 8 feet where 1,714sf of usable

[open space with minimum dimensions of 6 feet
[for private open space and 15 feet for common
[space are required; and with 6 of the proposed
[15 dwelling units to not have windows facing
[either a public right-of-way or a Code complying
[rear yard.
[VARIANCE CASE NO. 2002.0124V.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Shoemaker absent) to continue the matter to April 23, 2003 with the public hearing closed, and with audiotapes to be provided for Commissioners Shoemaker and Saunders.

SPEAKERS: Jay Estey, Appellant, asked that the Board reschedule his appeal to a night when all five Commissioners are present. David Prowler, representing the variance holder, objected to the request and urged the Board to hear the case even though there are only four present. Lawrence Badiner, ZA, explained why variances are necessary before the building permit for this mixed-use project can be approved by Planning. The conditional use authorization has been granted and upheld by the Supervisors on appeal. He said the property of the BART station and bus lines justified the parking variance. The contract zoning of 50 years ago is now illegal and the present zoning is. Catherine Barnes, DCA, in response to a Board question said that the Board can hold a hearing, take testimony and continue the matter to a later date so that all five members can be present if the missing member review all materials and the audio tape of all the testimony before the meeting. Jay Estey, Appellant said that many years ago it was established that the present parking would be continued and that the parking space could not be developed on the three lots. He said the lots had been used for commercial use that left toxics in the soil that has not been accounted for. He said the project keeps changing and the developer's promises are regularly broken when it is convenient and that if the building were well designed no variance would be necessary. He is disappointed with the approved process for this monolithic building. David Prowler for the variance holder explained the history of the proposal and the lots. He said there were unanimous votes for the project at the Commission, the Supervisors and the Library Commission and that Department of Public Transportation also approved it.

Public Comment for Appellant: Reece Hart said he opposes the project 's aesthetic and procedural grounds since it doesn't fit in the site and the number of variances necessary shows it doesn't fit on the site. Susan Tibbon described how the project without a parking lot will be a terrible hazard especially for children and elderly using the library and the store. The present lot is used by 9,000 vehicles a day. Alma Hecht said that she is an arborist and landscape architect and that in her view the project will be a real threat to the neighborhood and it doesn't fit the scope of the neighborhood. Torr Tietz said he thinks the Supervisors approved because of misrepresentations about the public support and that this was a "bait and switch" since many people oppose the parking variance and want to retain the present parking lot and space the loss of which will adversely affect safety. Lesley Frana said the biggest issue is the loss of the existing parking spaces and the traffic study made has serious flaws. Elsie Ravel said she opposes the Commission exemption from a loading area, which will create a serious safety hazard because of the intense traffic on Diamond Street. The project needs boarding docks for

the store desperately. Dan Tuttle said the existing parking lot is as big as needed and the local merchants rely on it. John Rohosky said he objects to Commissioner Saunders leaving the hearing and that he thinks the Negative Declaration is inadequate and should be resubmitted with full disclosure of the borings. The ground water should be tested for contamination.

Public Comment for Variance Holder and Zoning Administrator: Susan Hildreth, City Librarian, described the cramped conditions of the existing 1200 sf Glen Park Branch and how the proposed 8500sf facility in the project would be an appropriate one to serve the area. Ron Miguel of the housing coalition said this project is exactly what is needed for this site and that all the reviewing bodies have approved it without a single negative vote. Wesley Day, a librarian said the present Glen Park Branch is less than half the size of this hearing room and the proposed library will be of great value to the area. Kimberly Watts said the project should be approved because it will bring jobs to the area. Zoanne Nordstrom, President of the Glen Park Association said the project will be of great benefit to Glen Park. Bruce Bonacker emphasized that this will bring a grocery store and not a supermarket so no parking spaces are needed as they are for a larger facility and that the parking variance is fully justified.

There being no further business President Chin adjourned the meeting at 10:05 p.m.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

REGULAR MEETING - WEDNESDAY, APRIL 2, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:** None.

(4) **CONSENT ITEMS (DBI PENALTY):** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) **APPEAL NO. 03-017**

RICHARD JONES, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[500 Columbus Avenue.
[Appeal for refund of penalty imposed on Jan.
[31, 2003 for plumbing & mechanical work
[done without a permit on a commercial
[building.
[PERMIT NO. P434472.
[FOR HEARING TODAY.

(5) **APPEAL NO. 02-063**

ERIC YOUNG
dba "SF BATTLE ZONE", Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1968 Powell Street (583 Lombard Street).
[Appealing a Notice of Violation dated March 2
[2002, addressed to Gan Woo Wong, that the sma
[grocery store at the subject property has bee
[converted into an internet café without benefit of
[permit, in violation of Planning Code § 722.48 whic
[requires conditional use (CU) authorization for "Othe
[Entertainment Uses" in the North Beac
[Neighborhood Commercial Zoning District.
[PUBLIC TESTIMONY HEARD NOV. 13, 2002,
[FEB. 26, 2003.
[FOR FURTHER CONSIDERATION TODAY.

(6) **APPEAL NO. 02-096**

RAFAEL MIRANDA, Appellant(s)
vs.
ZONING ADNMISTRATOR, Respondent

[1255 Goettingen Street.
[Appealing a determination dated May 22, 200
[addressed to Rafael Miranda, that the legal us
[of the subject property is a single-fami
[dwelling because the building was constructe
[as a single-family house, because no perm
[could be found which authorized the addition
[a second dwelling unit, and because the perm
[history indicates the continued use of th
[structure as a single-family structure.
[FOR HEARING TODAY.

(7) **APPEAL NO. 02-201**

JAMES VIEGAS, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[91 San Felipe Ave.
[Protesting the issuance on October 2, 2002,
[Mark Sears & Russell Schrader, Permit to Alt
[a Building (on single-family house: addition
[information as requested by District Buildi
[Inspector regarding the planters from Buildi
[Permit Application No(s). 2001/12/19/562
[show as built planter wall (under rear deck a
[stair case), correct garage roof deck, finish
[floor elevation).
[APPLICATION NO. 2002/10/02/7981.
[FOR HEARING TODAY.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 02-239**

KENNETH FONG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 11, [2002, to Ronald Wallace, Site Permit to [Erect a Building (3-story, single family [residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

(8B) **APPEAL NO. 02-241**

MORRIS & BRENDA ABBOTT, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 11, [2002, to Ronald Wallace, Site Permit to [Erect a Building (3-story, single family [residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

(9) **APPEAL NO. 03-010**

MICHAEL MA, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

Subject Prop. Owner(s): ROGER REYNOLDS

[2750 Lake Street.
[Appealing the determination dated Jan. 6, 2003, [addressed to Sue Hestor, attorney for [Appellant, that the proposal to construct a 2nd [story above the existing garage on this [detached single family house, if either street [frontage was to be elected as the front lot line, [that portions of the existing building would occur [within the required rear yard, and thus be non-[conforming; therefore, electing a front line [parallel to 29th Avenue would allow for the [proposal to comply with Planning Code §§ [172(b) & 173(b).
[FOR HEARING TODAY.

(10) **APPEAL NO. 03-014**

LAURA JAFFE Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[1256-1258 Lombard Street.
[Protesting the issuance on January 13, 2003, to [Jeff Galvan, Permit to Alter a Building (on 2-unit [residential building: remove illegal kitchen in [garage area, cap all utilities at source, remove [non-load bearing walls and convert to storage; [legalize bathroom).
[APPLICATION NO. 2003/01/13/5090.
[FOR HEARING TODAY.

(11) **APPEAL NO. 03-015**

SANGIACOMO
ROSETTA LIVING TRUST, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. DISAPPROVAL

[3366 Sacramento Street.
[Appealing the denial on Jan. 30, 2003, o
[Permit to Alter a Building (on 2-uni
[residential/retail building: change of use permit
[provide new sprinkler for 1hr protection an
[new ¾ hr property line protection windows).
[APPLICATION NO. 2001/04/25/7697.
[FOR HEARING TODAY.

(12) **APPEAL NO. 03-018**

VIVIAN NAPIER, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[278 Flood Avenue.
[Protesting the issuance on Jan. 21, 2003, t
[Daphine Qiu, Site Permit to Alter a Building (o
[single-family house; on 2nd floor: remodel floo
[add horizontal addition of 2 bedrooms and
[bathroom and wooden deck; on ground floo
[install exercise room behind garage, an
[horizontal addition of 2 bedrooms, 1 bathroom
[and a light court with stairs).
[APPLICATION NO. 2002/05/06/5780S.
[FOR HEARING TODAY.

(13) **APPEAL NO. 03-019**

LIKE LIU, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[2282 – 28th Avenue.
[Protesting the issuance on November 12, 200
[to Cheng Lee, Permit to Alter a Building (o
[single-family house: remove illegal unit a
[ground floor; remove non-bearing partitions
[kitchen, toilet and closet; [create new storage).
[APPLICATION NO. 2002/11/12/1225.
[JURISDICTION GRANTED JAN. 22, 2003.
[FOR HEARING TODAY.

ADJOURNMENT

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determinatio resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: March 27, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 2, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

Present: President Arnold Y. K. Chin, Vice President Kathleen Harrington, Commissioner Douglas Shoemaker and Commissioner Hisashi Sugaya. Absent: Sabrina Saunders.

Catharine Barnes, Deputy City Attorney for the City Attorney (DCA); Lawrence Badiner, Zoning Administrator, Laurence Kornfield, Chief Building Inspector, DBI; and Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant for the Board of Appeals; Official Court Reporter Claudine Woeber.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None

(3) **ADDENDUM ITEMS:** None.

(4) **CONSENT ITEMS (DBI PENALTY):** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) **APPEAL NO. 03-017**

RICHARD JONES, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[500 Columbus Avenue.
[Appeal for refund of penalty imposed on Jan. [31, 2003 for plumbing & mechanical work [done without a permit on a commercial [building.
[PERMIT NO. P434472.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reduce the subject penalty to 2 times the regular fee (with consent).

SPEAKERS: None.

(5) **APPEAL NO. 02-063**

ERIC YOUNG
dba "SF BATTLE ZONE", Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1968 Powell Street (583 Lombard Street).
[Appealing a Notice of Violation dated March 26, [2002, addressed to Gan Woo Wong, that the small [grocery store at the subject property has been [converted into an internet café without benefit of a [permit, in violation of Planning Code § 722.48 which [requires conditional use (CU) authorization for "Other [Entertainment Uses" in the North Beach [Neighborhood Commercial Zoning District.
[PUBLIC TESTIMONY HEARD NOV. 13, 2002, & [FEB. 26, 2003.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: Appeal withdrawn by the appellant prior to hearing.

SPEAKERS: None.

(6) **APPEAL NO. 02-096**

RAFAEL MIRANDA, Appellant(s)
vs.
ZONING ADNMISTRATOR, Respondent

[1255 Goettingen Street.
[Appealing a determination dated May 22, 2002, [addressed to Rafael Miranda, that the legal use [of the subject property is a single-family [dwelling because the building was constructed [as a single-family house, because no permit [could be found which authorized the addition of [a second dwelling unit, and because the permit [history indicates the continued use of the [structure as a single-family structure.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeal to April 30, 2003 at the request of the parties.

SPEAKERS: None.

(7) **APPEAL NO. 02-201**

JAMES VIEGAS, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[91 San Felipe Ave.
[Protesting the issuance on October 2, 2002, to [Mark Sears & Russell Schrader, Permit to Alter [a Building (on single-family house: additional [information as requested by District Building [Inspector regarding the planters from Building [Permit Application No(s). 2001/12/19/5627; [show as built planter wall (under rear deck and [stair case), correct garage roof deck, finished [floor elevation).
[APPLICATION NO. 2002/10/02/7981.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to continue the appeal to May 14, 2003.

SPEAKERS: Laurence Kornfield, CBI, DBI, described the process for review of this type of project. He said that the Department was not satisfied with the plans submitted and the plan checker has requested new plans for the retaining wall and he might require a new permit application also. He said that the Department will take action in any case regardless of the outcome of the appeal. Jeremy Paul, agent for the Appellant, urged the Board not to require a new permit application and said that revised plans sufficient for the Department will probably satisfy his client who would likely withdraw his appeal once assured the engineering is safe. He said his client has no problem with a continuance of the hearing. Russell Shrader, a co-owner and permit holder said he feared that the project will be dragged out even more and will come back to the Board again in two months. He said this permit is for a technical amendment requirement by the City to show how deep the rebar goes. He objects to a continuance of the hearing.

No public comment for either side.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 02-239**

KENNETH FONG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 11, [2002, to Ronald Wallace, Site Permit to [Erect a Building (3-story, single family [residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

(8B) **APPEAL NO. 02-241**

MORRIS & BRENDA ABBOTT, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 11, [2002, to Ronald Wallace, Site Permit to [Erect a Building (3-story, single family [residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeals to April 30, 203 at the request of the parties.

SPEAKERS: None.

(9) **APPEAL NO. 03-010**

MICHAEL MA, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

Subject Prop. Owner(s): ROGER REYNOLDS

[2750 Lake Street.
[Appealing the determination dated Jan. 6, 2003, [addressed to Sue Hestor, attorney for [Appellant, that the proposal to construct a 2nd [story above the existing garage on this [detached single family house, if either street [frontage was to be elected as the front lot line, [that portions of the existing building would occur [within the required rear yard, and thus be non-[conforming; therefore, electing a front line [parallel to 29th Avenue would allow for the [proposal to comply with Planning Code §§ [172(b) & 173(b).
[FOR HEARING TODAY.

ACTION: This appeal was rescheduled to May 14, 2003 prior to the meeting.

10) **APPEAL NO. 03-014**

LAURA JAFFE Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[1256-1258 Lombard Street.
[Protesting the issuance on January 13, 2003, to [Jeff Galvan, Permit to Alter a Building (on 2-unit [residential building: remove illegal kitchen in [garage area, cap all utilities at source, remove [non-load bearing walls and convert to storage; [legalize bathroom).
[APPLICATION NO. 2003/01/13/5090.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeal to April 30, 2003.

SPEAKERS: Jeffrey Ravoy said he is one of the owners and that they want to revoke or cancel their permit. Laurence Kornfield said he understands that the owners have requested that the Department cancel the permit but that they haven't completed the process yet but the Board can revoke the permit or order the Department to take action of some type. He said it takes about three weeks for the Department to process such a request. David Wilbun said that he is assisting the Appellant and asked for a continuance to April 30, 2003 so that there would be all five Commissioners present.

No public comment for either side.

(11) **APPEAL NO. 03-015**

SANGIACOMO
ROSETTA LIVING TRUST, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[3366 Sacramento Street.
[Appealing the denial on Jan. 30, 2003, of [Permit to Alter a Building (on 2-unit [residential/retail building: change of use permit; [provide new sprinkler for 1hr protection and [new ¾ hr property line protection windows).
[APPLICATION NO. 2001/04/25/7697.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeal to May 14, 2003 at the request of the parties.

SPEAKERS: None

(12) **APPEAL NO. 03-018**

VIVIAN NAPIER, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[278 Flood Avenue.
[Protesting the issuance on Jan. 21, 2003, to [Daphine Qiu, Site Permit to Alter a Building (on [single-family house; on 2nd floor: remodel floor, [add horizontal addition of 2 bedrooms and 1 [bathroom and wooden deck; on ground floor:

[install exercise room behind garage, and
[horizontal addition of 2 bedrooms, 1 bathroom,
[and a light court with stairs).
[APPLICATION NO. 2002/05/06/5780S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the subject permit on condition that the addition be pulled back 3 feet on both floors.

SPEAKERS: Keith Velleca attorney for the Appellant said the issue here is the quality of life of the Appellant who is a diabetic and needs to garden in her yard for health and well being. The project will result in shadowing of her garden which will be very detrimental to her garden and her activities in it. She has lived there 35 years and the permit holder only since August 2001. Also the project is not in character with the neighborhood. He asked for specific revision to the plans. Tom Angeloff said he is a teacher at City College and he prepared a shadow study for the Permit Holder which shows that the project will not have a significant effect on the Appellant's rear yard and garden. He said the Permit Holder has agreed to shorten her addition by two feet to accommodate the Appellant. Daphne Qiu, Permit Holder, said that there are many precedents in the area for an addition like hers and hers will only be twenty-five feet in length, which is less than is allowed by the Code.

Julian Banales, Planner, explained the pattern of rear yard development in the area using a Sanborn Map. He said that the project will not affect the mid-block open space which will be maintained and that there were no requests for discretionary review after the required Section 311 Notification to Neighbors. He said he thought the staff would have recommended approval to the Commission had there been a DR hearing.
Virginia Napier, Appellant, said that the Permit Holder won't agree to change her plans in any way and she doesn't want to give up half of her gardening space because of shadowing by the proposed addition.

No public comment for either side.

(13) **APPEAL NO. 03-019**

LIKE LIU, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[2282 – 28th Avenue.
[Protesting the issuance on November 12, 2002,
[to Cheng Lee, Permit to Alter a Building (on
[single-family house: remove illegal unit at
[ground floor, remove non-bearing partitions,
[kitchen, toilet and closet; [create new storage).
[APPLICATION NO. 2002/11/12/1225.
[JURISDICTION GRANTED JAN. 22, 2003.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the subject permit.

SPEAKERS: Laurence Kornfield, CBI, DBI, in response to a Board question explained the difference between R-1 class under the Building Code and RH-zoning under the Planning Code. He said the Notice of Violation was issued because there is an illegal unit in the basement of the house. The Appellant did not appear and there was no public comment for either side.

There being no further business President Chin adjourned the meeting at 6:25 p.m.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtain from Ms. Claudine Woeber, the Official Court Reporter, 506-0430

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

REGULAR MEETING - WEDNESDAY, APRIL 9, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:** None.

(4) **CONSENT ITEMS (DBI PENALTY):** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) **APPEAL NO. 03-021**

DMITRI MEDVEDEN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[88 Hoff Street # 210.
[Appeal for refund of penalty imposed on
[Feb. 11, 2003, for work done without a
[permit (restore closet on 2nd level/mezzanine
[in a live-work loft).
[APPLICATION NO. 2003/02/06/6903.
[FOR HEARING TODAY.

(5) **APPEAL NO. 03-025**

QUERIDA MIA RIVERA, Appellant(s)
vs.

TAXI COMMISSION, Respondent

[Appealing the revocation on February 3, 2003,
[of taxi medallion No(s). 52.
[RESOLUTION NO. 2003-05.
[FOR HEARING TODAY.

(6) **APPEAL NO. 03-020**

DIMAS & BLANCA OLIVA, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[230 Rhine Street.
[Appealing a Notice of Violation dated Jan. 28, 200
[that a 2nd stove and kitchen has been installed i
[the rear building at the subject property, whic
[constitutes the establishment of a 2nd dwelling uni
[in violation of Planning Code § 209.1(b); and that
[pre-existing car port has been expanded, in violatio
[of Planning Code § 181.1.
[FOR HEARING TODAY.

(7) **APPEAL NO. 03-022**

CONRAD DONNER, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[275 Magellan Avenue.
[Protesting a determination dated Feb. 4, 200
[addressed to Manuel Frias at Frias Family Vineyar
[that the proposed establishment of Alcohol
[Beverage Licenses Types 20 & 17 at the subje
[property does meet the requirements of Plannin
[Code § 204.1 in that there will be no stock in trad
[kept on the premises, no signage, no walk-u
[clientele, and not more than ¼ of the floor area w
[be used to conduct the business; and furthermor
[as the proposed business is an accessory use, i
[contrast to a principally permitted use, § 31
[neighborhood notification is not required.
[FOR HEARING TODAY.

(8) **APPEAL NO. 03-023**

CLARENCE
& JUTTA GRIDER, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[4125 Balboa Street.
[Appealing a Stop Work Order Request dated Ja
[30, 2003, addressed to Dept. of Building Inspectio
[Director Frank Chiu, requesting that a stop wo
[order be immediately issued at the subject proper
[for work performed under Building perm
[Application No(s). 2002/06/26/0073
[2002/09/24/7284 for the following reason(s
[evidence has been submitted to the Planning Dep
[that the original commercial use (beauty parlor) wa
[discontinued for more than a decade, and thus ma
[not be re-established in this residential district; ar
[furthermore, the project involves the removal of
[residential garage and apparent removal of a cu
[cut without the authorization of the Dept. of Publ
[Works.
[FOR HEARING TODAY.

(9) **APPEAL NO. 03-032**

SAMIR BUSTAMI, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[725 Carolina Street.
[Protesting the issuance on Feb. 7, 2003, to [Joseph Bradford, Site Permit to Erect a Building [(3-story, 2-unit residential building, 40' in [height).
[APPLICATION NO. 2000/12/22/8567S.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: April 3, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials revocations and suspensions the representatives of the department, board, commission or persor from whose order the appeal is taken shall speak first and shall be allowed seven minutes for thei presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed sever minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please cal the Board office at 575-6880 for scheduling or other information during regular business hours, o visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 9, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

Present: President Arnold Y. K. Chin, Vice President Kathleen Harrington, and Commissioner Hisashi Sugaya, and Commissioner Sabrina Saunders. Absent: Commissioner Douglas Shoemaker.

Catharine Barnes, Deputy City Attorney for the City Attorney (DCA); Lawrence Badiner, Zoning Administrator, Planning Department; Laurence Kornfield, Chief Building Inspector, DBI; Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant for the Board of Appeals; and Official Court Reporter Claudine Woeber.

1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: No speakers.

2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: The President requested a report on the budget situation and the Executive Secretary reported on the progress of the budget proposal.

3) **ADDENDUM ITEMS:** None.

(4) **CONSENT ITEMS (DBI PENALTY):** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

4A) **APPEAL NO. 03-021**

DIMITRI MEDVEDEN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[88 Hoff Street # 210.
[Appeal for refund of penalty imposed on [Feb. 11, 2003, for work done without a [permit (restore closet on 2nd level/mezzanine [in a live-work loft).
[APPLICATION NO. 2003/02/06/6903.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-0-1 (Commissioner Shoemaker absent) to reduce the subject penalty to three times the regular fee.

SPEAKERS: Dimitri Medveden, Appellant, said that no permit would be necessary in his country for the job and he thought the same is true here so he didn't file an application. The project is now completed and the mezzanine has been restored in compliance with the Code. Laurence Kornfield, CBI, DBI, said the calculations on the permit for the proposed mezzanine are vague and if the space is not a mezzanine it would count as a floor which would trigger many Building Code requirements.

5) **APPEAL NO. 03-025**

QUERIDA MIA RIVERA, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the revocation on February 3, 2003,
[of taxi medallion No(s). 52.
[RESOLUTION NO. 2003-05.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Shoemaker absent) to reschedule the appeal to June 11, 2003 at the request of the parties.

SPEAKERS: None.

6) **APPEAL NO. 03-020**

DIMAS & BLANCA OLIVA, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[230 Rhine Street.
[Appealing a Notice of Violation dated Jan. 28, 2003,
[that a 2nd stove and kitchen has been installed in
[the rear building at the subject property, which
[constitutes the establishment of a 2nd dwelling unit,
[in violation of Planning Code § 209.1(b); and that a
[pre-existing car port has been expanded, in violation
[of Planning Code § 181.1.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-0-1 (Commissioner Shoemaker absent) to continue the appeal to the Call of the Chair with the public hearing closed, and with DBI and Planning to perform a site a visit on life/safety issues with a report at a later date.

SPEAKERS: Lawrence Badiner, ZA, explained that the small building at the rear of the lot can remain but can't have a kitchen and bath which would make it a second unit on this one-family lot and it can't be enlarged since it is a non-complying structure. Blanca Oliva, Appellant, through her daughter as translator from the Spanish, explained her need for the building and her plans to make building large enough for her six-member family. She asked the Board to allow her project because of her hardship.

Public Comment for Zoning Administrator: Charles Swanson, neighbor and complainant explained his opposition is due to his fear of the fire hazard which would be caused by the project. He said structure is not pre-existing but is newly built without permits. Armando Sandoval, designer for Appellant described the current use of the two buildings on the lot and the Appellants proposal which she planned after discussing the matter with the Planning staff. He said that all she wants to do now is remodel the building and not build a new one.

No public comment for the Appellant.

Lawrence Kornfield, CBI, DBI, agreed to make site visit and report back to Board on life-safety issues.

7) **APPEAL NO. 03-022**

CONRAD DONNER, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[275 Magellan Avenue.
[Protesting a determination dated Feb. 4, 2003, [addressed to Manuel Frias at Frias Family Vineyard, [that the proposed establishment of Alcoholic [Beverage Licenses Types 20 & 17 at the subject [property does meet the requirements of Planning [Code § 204.1 in that there will be no stock in trade [kept on the premises, no signage, no walk-up [clientele, and not more than ¼ of the floor area will [be used to conduct the business; and furthermore, [as the proposed business is an accessory use, in [contrast to a principally permitted use, § 311 [neighborhood notification is not required.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-0-1 (Commissioner Shoemaker absent) to reschedule the matter to April 30, 2003.

SPEAKERS: Conrad Donner, Appellant, requested Board to continue the appeal. Lawrence Badiner, ZA, explained that owner has withdrawn the ABC application and so the determination is moot and the appeal should be withdrawn and his determination be revoked or withdrawn.

8) **APPEAL NO. 03-023**

CLARENCE
& JUTTA GRIDER, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[4125 Balboa Street.
[Appealing a Stop Work Order Request dated Jan. [30, 2003, addressed to Dept. of Building Inspection [Director Frank Chiu, requesting that a stop work [order be immediately issued at the subject property [for work performed under Building permit [Application No(s). 2002/06/26/0073 & [2002/09/24/7284 for the following reason(s): [evidence has been submitted to the Planning Dept. [that the original commercial use (beauty parlor) was [discontinued for more than a decade, and thus may [not be re-established in this residential district; and [furthermore, the project involves the removal of a [residential garage and apparent removal of a curb [cut without the authorization of the Dept. of Public [Works.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-0-1 (Commissioner Shoemaker absent) to uphold the stop work order request by the Zoning Administrator.

SPEAKERS: Lawrence Badiner, ZA, explained how the property can no longer be used for a business as the beauty parlor has been abandoned for more than three years. Laurence Kornfield explained that a garage door replacement is required to have a permit. Robin Grider, attorney for the Appellants, explained that they had dealt in good faith with the City and sought required permits and informed neighbors of their intentions to restore the beauty parlor which has been in the building for many years. She said she wants to go ahead with the hearing even though only four members of the Board were sitting. She said there is no evidence that the space has been used as a garage while the interior is clearly designed for use as a beauty parlor and there is no intent to abandon it. Nor is there any evidence that the beauty parlor was abandoned.

Public Comment for Zoning Administrator:

Michael Shiro neighbor, said he thinks the Appellants intend to turn the two-family house into four units and that there has been no beauty parlor operating for at least twelve years on the premises. The space has been used as a garage during this period. No business taxes have been paid for this property and the real estate listing says it is a "two-family house with garage". He asks that a curb cut be made for the garage use.

Public Comment for Appellant: Rachel Ballarin, real estate broker for the property said that all the work was done with permits and that one unit is rented at present. Planner Gil Chaves signed off on the permit to replace garage door with storefront. She said lots of money was involved here and she asked the Board to grant the appeal. Clarence Grider, Appellant, asked the Board to allow him to finish the job because the work is almost complete and the neighbors support his project.

(9) **APPEAL NO. 03-032**

SAMIR BUSTAMI, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[725 Carolina Street.
[Protesting the issuance on Feb. 7, 2003, to [Joseph Bradford, Site Permit to Erect a Building [(3-story, 2-unit residential building, 40' in [height).
[APPLICATION NO. 2000/12/22/8567S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Shoemaker absent) to uphold the subject permit with the following conditions: a) that the parapet be replaced with a 1 hour fire-rated roof; b) that the parapet on the rear deck be replaced with a clear spanning-type railing; and c) that the height of the building not exceed 37 feet.

SPEAKERS: Samir Bustami, Appellant, said the conditions included in his conditional withdrawal are no longer sufficient because he has studied the plans and found several errors that need correction, including this addition of a deck not shown on earlier plans which will violate the Planning and Building Codes. The roof can't be for habitable use or storage. Height is the issue as well as mass and he hopes plans can be reviewed again by plan checkers so errors can be corrected. Joseph Bradford, Permit Holder, said the height is 37 feet as required by the

Commission and he explained the dimensional errors on the plans. He said he wants to keep the roof deck.

Public Comment for the Appellant: Daniel Conrad, said he is one of the DR requestors. He said he never approved the roof deck and Permit Holder never told neighbors there would be a roof deck and he feels tricked into withdrawing his DR request. John Diaz of 731 Carolina said that the Appellant is an engineer and has made good points that he agrees with. He said the plans keep changing and the project will block his view and will be too large and massive for the site. Tracy Rice, one of the DR requestors, said the Planning Commission told the parties to work out the details but the Permit Holder never had a dialogue with the neighbors since then. There was no discussion of a roof deck at the Commission.

There being no further business President Chin adjourned the meeting at 7:50 P.M.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, (415) 506-0430

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

REGULAR MEETING - WEDNESDAY, APRIL 23, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.

APR 18 2003

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04-18-03A10:16 RCVD

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

ITEM A: 39 Country Club Drive. Letter from Lawrence Badiner, Zoning Administrator, on behalf of the Planning Department, and a letter from Ibrahim Malik, Salwa Ghaim, & Thomas Ngai, Appellant(s), requesting rehearing of Appeal No(s). 03-009, Malik et al. vs. DBI, PDA, decided March 19, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 1-3-1 (President Chin, Vice President Harrington & Commissioner Sugaya dissented, & Commissioner Shoemaker absent) to reschedule the matter to April 23, 2003. 3 votes being required to reschedule a case, the motion failed, and the case went forward. Afterwards, upon motion by Commissioner Saunders, the Board voted 3-1-1 (Commissioner Sugaya dissented, Commissioner Shoemaker absent) to uphold the permit on condition that the addition be shortened on the 2nd floor to 15 ½ feet. 4 votes being required to place conditions on an issued permit, the motion failed, and the subject permit was upheld with no conditions. Permit Holder(s): David Truong c/o Thanh Ngo. Project: horizontal addition on single-family house.

ITEM B: 1349 Clayton Street. Letter from Tom Katz, Appellant, requesting rehearing of Appeal No(s). 02-172, Katz vs. DBI, PDD, decided March 19, 2003. At that time, upon motion by Vice President Harrington, the Board voted 3-1-1 (Commissioner Sugaya dissented, Commissioner Shoemaker absent) to overrule the denial by the Planning Dept. and grant the subject permit. 4 votes being required to overturn any departmental action, the motion failed, and the denial of the subject permit was upheld. Project: on 13-unit apartment building; replace existing steel with vinyl retrofit – same shape and size; total 20 windows.

(3) **ADDENDUM ITEMS CONTINUED:**

ITEM C: 537-539 Natoma Street. Letter from Chelsea Owens & Melani Swiercinski, Requestor asking the Board to take jurisdiction over Building Permit Application No(s). 2002/12/10/317 Permit Holder(s): Jean Howe. Project: on commercial/industrial building; remove illegal dwelling and construction; construct two unisex accessible sanitary facilities.

Date Permit(s) Issued:	Dec. 10, 2002
Last Day to Appeal:	Dec. 26, 2002
Jurisdiction Request Received:	March 27, 2003

ITEM D: 493 Haight Street. Letter from Frieda Humboldt, Felicia Michaels, & Faye Adelstei Appellant(s), requesting rehearing of Appeal No(s). 03-004, Humboldt et al. vs. DBI, PD decided March 19, 2003. At that time, upon motion by President Chin, the Board voted 4-0 (Commissioner Shoemaker absent) to uphold the subject permit with the following condition(s a) that the antennas be limited to 2 watts each; b) that the readings be reported monthly to t Dept. of Public Health and the Appellants; c) that there be no exposed wiring, wiring to be insic d) that the antennas shall not be visible in front of the building, and shall be covered as per t letter dated Feb. 5, 1998 by then Zoning Administrator Robert Passmore; e) and that the ro access stairs shall be covered and painted as per the aforementioned letter. Permit Holder(s Haight & Fillmore Association LLC. Project: on 31-unit mixed use residential/commercial buildir installation of 2 omni type antenna equipment.

(4) **APPEAL NO. 02-152**

MCDONALD'S, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[Lakeshore Plaza Shopping Center on Sloa
[Boulevard.
[Appealing a determination dated July 26, 200
[addressed to Walter Wong at Jaidin Consulting, tha
[a hamburger restaurant is not a permitted use at th
[subject property because hamburger restaurant
[were specifically omitted as an allowable use by th
[Board of Supervisors when it approved condition
[for the Conditional Use (CU) authorization
[Lakeshore Plaza.
[ON OCT. 30, 2002, THE BOARD VOTED T
[OVERRULE THE DETERMINATION (VOTE 4-1
[ON NOV. 20, 2002, THE BOARD SUSPENDED IT
[RULES, ALLOWED A COMMISSIONER T
[REQUEST A REHEARING & GRANTED TH
[REHEARING (VOTE 4-1).
[FOR REHEARING TODAY.

(5) **APPEAL NO. 03-026**

MARK HOLLANDER, Appellant(s)
vs.

TAXI COMMISSION, Respondent

[Appealing the revocation on February 3, 2003,
[of taxi medallion No(s). 881.
[RESOLUTION NO. 2003-03.
[FOR HEARING TODAY.

(6) **APPEAL NO. 03-028**

OLLIVER LOUD, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing a Public Convenience and Necessity
[Finding & Decision dated Feb. 6, 2003, that taxi
[service in the City and County is being
[sufficiently met by the currently authorized
[1,381 taxi permits, and that the authorization of
[any additional permits is not warranted.
[RESOLUTION NO. 2003-06.
[FOR HEARING TODAY.

(7) **APPEAL NO. V03-012**

JAMES ESTEY, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[2815 Diamond Street.
[Protesting the granting on January 9, 2003, to
[David Prowler at Glen Park Market Place LLC,
[Rear Yard, Parking, Usable Open Space &
[Dwelling Unit Exposure Variance(s) (proposal
[may be constructed with 1,440sf of rear yard in
[the southeast corner of the property where
[4000sf are required; no parking spaces for the
[nonresidential uses where 14 are required;
[1,454sf of usable open space and some of the
[open space areas with minimum dimensions of
[4.5 feet and 8 feet where 1,714sf of usable
[open space with minimum dimensions of 6 feet
[for private open space and 15 feet for common
[space are required; and with 6 of the proposed
[15 dwelling units to not have windows facing
[either a public right-of-way or a Code complying
[rear yard.
[VARIANCE CASE NO. 2002.0124V.
[PUBLIC HEARING HELD & CLOSED
[MARCH 19, 2003.
[FOR FURTHER CONSIDERATION TODAY.

(8) **APPEAL NO. 02-100**

CANADIAN AMERICAN OIL CO., Appellant(s)
vs.
ZONING ADNMISTRATOR, Respondent

[1868 Van Ness Avenue (Ben's Shell Station).
[Appealing a Cease & Desist Order date
[May 24, 2002, addressed to Equilo
[Enterprises LLC & Canadian American Oil, tha
[the subject property is being used for operatio
[of an off-street parking facility withou
[benefit of a Conditional Use (CU) authorizatio
[in violation of Planning Code §'s 171
[209.7(c).
[FOR HEARING TODAY.

(9) **APPEAL NO. 02-176**

SIMON KONG & YING-AH KONG, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[2114-2118 Mission Street.
[Appealing a determination dated August 2
[2002, addressed to Van Ly, that no addition
[group housing or dwelling units could be adde
[to the subject property since the number
[dwelling units alone exceeds the density lim
[under the Planning Code, and that Condition
[Use Application No(s). 2001.1119C requestin
[a parking exception to add group housing uni
[could not be approved under Planning Cod
[requirements.
[FOR HEARING TODAY.

(10) **APPEAL NO. V03-003**

BONNIE DEMERGASSO, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[3196 Pacific Avenue.
[Protesting the granting on January 6, 2003,
[Dan Phipps Architects (Subject Property Own
[John Conlin), Rear Yard Variance (on singl
[family house: construction of an addition at th
[basement, 1st and 2nd floors at the northea
[corner of the rear of the existing building in th
[required rear yard).
[VARIANCE CASE NO. 2002.1008V
[FOR HEARING TODAY.

(11) **APPEAL NO. 03-029**

JENNIFER & SIMON MILLER, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[655 Head Street.
[Protesting the issuance on Feb. 3, 2003, to [Vessie Bailey, Permit to Alter a Building (on [single-family house: addition of new deck and [staircase to the 2nd floor of building, and a 3-[inch concrete slab at the rear of building).
[APPLICATION NO. 2003/02/03/6573.
[FOR HEARING TODAY.

(12) **APPEAL NO. 03-030**

GARY VARUM, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[727 Moraga Street.
[Appealing a determination dated Feb. 4, 2003, [addressed to Gary Varum, that since there is [adequate frontage on Moraga Street to permit [access to, and development of the lot, and [since the proposed development indicates [direct access to Moraga Street only, and the [Planning Commission has denied direct access [to the public stairway, the front property line and [the appropriate location from which to measure [the permitted height for buildings on the lot is [the center of that portion of the lot fronting on [Moraga Street and not on the public stairs.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: April 10, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials revocations and suspensions the representatives of the department, board, commission or perso from whose order the appeal is taken shall speak first and shall be allowed seven minutes for thei presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minute for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes t present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seve minutes to present oral argument and three minutes for rebuttal. The Board may request departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to thre minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the dat of hearing. In the event that a matter is continued to a specific date by the presiding officer an announced to the parties in the hearing room, no additional mailed notice will be sent. Please ca the Board office at 575-6880 for scheduling or other information during regular business hours, c visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Boar should be addressed to the Board President, and be received at the Board office, 1660 Missio Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled publi hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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AMENDED CALENDAR

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

REGULAR MEETING - WEDNESDAY, APRIL 23, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS**:

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04-21-03A10:43 RCVD

(3) **ADDENDUM ITEMS**:

ITEM A: 39 Country Club Drive. Letter from Lawrence Badiner, Zoning Administrator, on behalf of the Planning Department, and a letter from Ibrahim Malik, Salwa Ghaim, & Thomas Ngai, Appellant(s), requesting rehearing of Appeal No(s). 03-009, Malik et al. vs. DBI, PDA, decided March 19, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 1-3-1 (President Chin, Vice President Harrington & Commissioner Sugaya dissented, & Commissioner Shoemaker absent) to reschedule the matter to April 23, 2003. 3 votes being required to reschedule a case, the motion failed, and the case went forward. Afterwards, upon motion by Commissioner Saunders, the Board voted 3-1-1 (Commissioner Sugaya dissented, Commissioner Shoemaker absent) to uphold the permit on condition that the addition be shortened on the 2nd floor to 15 ½ feet. 4 votes being required to place conditions on an issued permit, the motion failed, and the subject permit was upheld with no conditions. Permit Holder(s): David Truong c/o Thanh Ngo. Project: horizontal addition on single-family house.

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(3) ADDENDUM ITEMS CONTINUED:

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Date Permit(s) Issued:	Dec. 10, 2002
Last Day to Appeal:	Dec. 26, 2002
Jurisdiction Request Received:	March 27, 2003

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(4) APPEAL NO. 02-152

MCDONALD'S, Appellant(s)
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[FOR REHEARING TODAY.

(5) **APPEAL NO. 03-026**

MARK HOLLANDER, Appellant(s)
vs.

TAXI COMMISSION, Respondent

RESCHEDULED TO 6/25/03

[Appealing the revocation on February 3, 2003,
[of taxi medallion No(s). 881.
[RESOLUTION NO. 2003-03.
[FOR HEARING TODAY.

(6) **APPEAL NO. 03-028**

OLLIVER LOUD, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing a Public Convenience and Necessity
[Finding & Decision dated Feb. 6, 2003, that taxi
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JAMES ESTEY, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[2815 Diamond Street.
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[Rear Yard, Parking, Usable Open Space &
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[15 dwelling units to not have windows facing
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[rear yard.
[VARIANCE CASE NO. 2002.0124V.
[PUBLIC HEARING HELD & CLOSED
[MARCH 19, 2003.
[FOR FURTHER CONSIDERATION TODAY.

[Please note that the Board may, by direction of the President or motion and vote of a majority of the Commissioners, reopen the hearing on this matter to hear sworn testimony from members of the public who were unable to attend the March 19, 2003 hearing because the anti-war demonstrations occurring at Civic Center prevented thei access to the meeting, and to allow the parties to rebut any new testimony.]

(8) **APPEAL NO. 02-100**

CANADIAN AMERICAN OIL CO., Appellant(s)
vs.
ZONING ADNMISTRATOR, Respondent

[1868 Van Ness Avenue (Ben's Shell Station).
[Appealing a Cease & Desist Order dat
[May 24, 2002, addressed to Equil
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[of an off-street parking facility with
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[209.7(c).
[FOR HEARING TODAY.

(9) **APPEAL NO. 02-176**

SIMON KONG & YING-AH KONG, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[2114-2118 Mission Street.
[Appealing a determination dated August
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[dwelling units alone exceeds the density l
[under the Planning Code, and that Conditic
[Use Application No(s). 2001.1119C reques
[a parking exception to add group housing u
[could not be approved under Planning C
[requirements.
[FOR HEARING TODAY.

(10) **APPEAL NO. V03-003**

BONNIE DEMERGASSO, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[3196 Pacific Avenue.
[Protesting the granting on January 6, 200
[Dan Phipps Architects (Subject Property Ov
[John Conlin), Rear Yard Variance (on sir
[family house: construction of an addition at
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[VARIANCE CASE NO. 2002.1008V
[FOR HEARING TODAY.

(11) **APPEAL NO. 03-029**

JENNIFER & SIMON MILLER, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[655 Head Street.
[Protesting the issuance on Feb. 3, 2003, to [Vessie Bailey, Permit to Alter a Building (on [single-family house: addition of new deck and [staircase to the 2nd floor of building, and a 3-[inch concrete slab at the rear of building).
[APPLICATION NO. 2003/02/03/6573.
[FOR HEARING TODAY.

(12) **APPEAL NO. 03-030**

GARY VARUM, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[727 Moraga Street.
[Appealing a determination dated Feb. 4, 2003, [addressed to Gary Varum, that since there is [adequate frontage on Moraga Street to permit [access to, and development of the lot, and [since the proposed development indicates [direct access to Moraga Street only, and the [Planning Commission has denied direct access [to the public stairway, the front property line and [the appropriate location from which to measure [the permitted height for buildings on the lot is [the center of that portion of the lot fronting on [Moraga Street and not on the public stairs.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: April 10, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials revocations and suspensions the representatives of the department, board, commission or perso from whose order the appeal is taken shall speak first and shall be allowed seven minutes for thei presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minute for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes t present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seve minutes to present oral argument and three minutes for rebuttal. The Board may request departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to thre minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the dat of hearing. In the event that a matter is continued to a specific date by the presiding officer an announced to the parties in the hearing room, no additional mailed notice will be sent. Please ca the Board office at 575-6880 for scheduling or other information during regular business hours, o visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Boar should be addressed to the Board President, and be received at the Board office, 1660 Missio Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled publ hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative actions may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 23, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, Vice President Kathleen Harrington, Commissioner Hisashi Sugaya, Commissioner Sabrina Saunders, and Commissioner Douglas Shoemaker.

Catharine Barnes, Deputy City Attorney (DCA); Craig Nikitas for the Planning Dept. (PD)and the Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, DBI (CBI, DBI); Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistant; and Claudine Woeber, Official Court Reporter.

1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Mark Gruberg, UTW, explained his objection to having to pay multiple fees for appeals of Taxicab Commission action on several medallions at a time. He feels there should be a single fee for appeal of a Commissioner resolution that covers several medallions. Barry Taranto, UTW, said he supports the prior speaker and feels the same argument should apply to rehearing requests; he said he intends to appeal a Taxicab Commission action soon which covers 8 medallions, and under the present system it would cost the UTW $2000 to file, instead of $250.

2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

3) **ADDENDUM ITEMS:**

ITEM A: 39 Country Club Drive. Letter from Lawrence Badiner, Zoning Administrator, on behalf of the Planning Department, and a letter from Ibrahim Malik, Salwa Ghaim, & Thomas Ngai, Appellant(s), requesting rehearing of Appeal No(s). 03-009, Malik et al. vs. DBI, PDA, decided March 19, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 1-3-1 (President Chin, Vice President Harrington & Commissioner Sugaya dissented, & Commissioner Shoemaker absent) to reschedule the matter to April 23, 2003. 3 votes being required to reschedule a case, the motion failed, and the case went forward. Afterwards, upon motion by Commissioner Saunders, the Board voted 3-1-1 (Commissioner Sugaya dissented, Commissioner Shoemaker absent) to uphold the permit on condition that the addition be shortened on the 2nd floor to 15 ½ feet. 4 votes being required to place conditions on an issued permit, the motion failed, and the subject permit was upheld with no conditions. Permit Holder(s): David Truong c/o Thanh Ngo. Project: horizontal addition on single-family house.

ACTION: Upon motion by President Chin, the Board voted 5-0 to grant the rehearing request and set it for May 14, 2003.

SPEAKERS: Craig Nikitas, PD, explained that the Dept. made an error in approving a plan for an addition that protrudes into the required rear yard in violation of provisions of the Code and asked the Board to grant a rehearing so that the error can be corrected and the permit holder required to alter the plans or else seek a variance. Thanh Ngo, Permit Holder(s), said all aspects of the plans were discussed at the hearing and that since no new evidence was presented, no rehearing is justified. He asked who would pay for the delay and costs incurred by a rehearing and new plans and a variance application? Ibrahim Malik, co-appellant, supports the rehearing request since the plan failed to comply with the Code.

ITEM B: 1349 Clayton Street. Letter from Tom Katz, Appellant, requesting rehearing of Appeal No(s). 02-172, Katz vs. DBI, PDD, decided March 19, 2003. At that time, upon motion by Vice President Harrington, the Board voted 3-1-1 (Commissioner Sugaya dissented, Commissioner Shoemaker absent) to overrule the denial by the Planning Dept. and grant the subject permit. 4 votes being required to overturn any departmental action, the motion failed, and the denial of the subject permit was upheld. Project: on 13-unit apartment building; replace existing steel windows with vinyl retrofit – same shape and size; total 20 windows.

ACTION: Upon motion by President Chin, the Board voted 4-1 (Commissioner Sugaya dissented) to grant the rehearing request and set it for May 21, 2003.

SPEAKERS: Tom Katz, appellant, asked the Board to grant him a rehearing since he did not know he could have requested a continuance the night of the hearing for lack of a 5 member Board.

ITEM C: 537-539 Natoma Street. Letter from Chelsea Owens & Melani Swiercinski, Requestors, asking the Board to take jurisdiction over Building Permit Application No(s). 2002/12/10/3170. Permit Holder(s): Jean Howe. Project: on commercial/industrial building; remove illegal dwellings and construction; construct two unisex accessible sanitary facilities.

Date Permit(s) Issued:	Dec. 10, 2002
Last Day to Appeal:	Dec. 26, 2002
Jurisdiction Request Received:	March 27, 2003

ACTION: Upon motion by President Chin, the Board voted 5-0 to deny the jurisdiction request.

SPEAKERS: Dennis Hyde, attorney for permit holder, said that the requestors had moved out of his client's building and he has been unable to contact them and that they are not in the hearing room.

ITEM D: 493 Haight Street. Letter from Frieda Humboldt, Felicia Michaels, & Faye Adelstein, Appellant(s), requesting rehearing of Appeal No(s). 03-004, Humboldt et al. vs. DBI, PDA, decided March 19, 2003. At that time, upon motion by President Chin, the Board voted 4-0-1 (Commissioner Shoemaker absent) to uphold the subject permit with the following condition(s): a) that the antennas be limited to 2 watts each; b) that the readings be reported monthly to the Dept. of Public Health and the Appellants; c) that there be no exposed wiring, wiring to be inside; d) that the antennas shall not be visible in front of the building, and shall be covered as per the letter dated Feb. 5, 1998 by then Zoning Administrator Robert Passmore; e) and that the roof access stairs shall be covered and painted as per the aforementioned letter. Permit Holder(s): Haight & Fillmore Association LLC. Project: on 31-unit mixed use residential/commercial building; installation of 2 omni type antenna equipment.

ACTION: Upon motion by President Chin, the Board voted 5-0 to deny the rehearing request.

SPEAKERS: Frieda Humboldt, co-appellant, asked the Board to grant a rehearing because the appellants are aware of fire hazard in the building and the permit holder has failed to comply with Fire Dept. regulations. John Newman, attorney for permit holder, objected to a rehearing for lack of new evidence; he said the violations had been corrected, even items unrelated to the permit for the antennas.

4) **APPEAL NO. 02-152**

MCDONALD'S, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[Lakeshore Plaza Shopping Center on Sloat [Boulevard.
[Appealing a determination dated July 26, 2002, [addressed to Walter Wong at Jaidin Consulting, that [a hamburger restaurant is not a permitted use at the [subject property because hamburger restaurants [were specifically omitted as an allowable use by the [Board of Supervisors when it approved conditions [for the Conditional Use (CU) authorization at [Lakeshore Plaza.
[ON OCT. 30, 2002, THE BOARD VOTED TO [OVERRULE THE DETERMINATION (VOTE 4-1).
[ON NOV. 20, 2002, THE BOARD SUSPENDED ITS [RULES, ALLOWED A COMMISSIONER TO [REQUEST A REHEARING & GRANTED THE [REHEARING (VOTE 4-1).
[FOR REHEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 2-3 (Commissioners Shoemaker, Sugaya & Saunders dissented) to overrule the subject determination. Four votes being required to overturn or modify any departmental action, the motion failed, and the ZA's determination was upheld.

SPEAKERS: Craig Nikitas, PD, explained the Supervisors' condition limiting restaurants in the shopping center. Andrew Junius, attorney for the owner of the shopping center and the operators of it, said it was no longer a McDonald's issue but his clients wanted the option of leasing to a

small low-volume hamburger restaurant and have agreed to not lease to a high-volume type; he said the intent of the Supervisors in 1989 is irrelevant and the plain reading of the condition and the Code provision are all that matters and sandwiches are allowed. He said his client does not intend to file a CU application to modify conditions adopted by the Supervisors.

Public comment for the ZA: Ronald Chan described the neighborhood group and individuals who are in support of the ZA and he outlined their arguments. Bill Chionsini, President of West of Twin Peaks Association said he is concerned about the CU process and its integrity; he said this is the first time the owner's representative has spoken out. Terrance Hallinan said he was a Supervisor at the time the Board had considered the appeal of the Commission's CU decision and the intent had been to prohibit hamburger restaurants in the Center since they were trying to prevent negative impacts of the Center in the area. Barbara Chionsini submitted for the file a 1988 petition from the neighbors which supports the ZA's position and opposes the franchise-type fast food restaurants. David Pilpel said his mother was the president of the neighborhood association at the time the planed unit development CU was negotiated and approved, and that a fast food hamburger restaurant would not be consistent with the Supervisors' conditions of approval. Marian Getz described the difference between and Arby's and a McDonald's by describing their web sites. Lt. Larry Barsetti of the Police Dept.'s Taraval Station said the officers of the station are concerned with a hamburger restaurant because they attract the younger set who would cause police problems, and budget problems have reduced the number of officers available to provide security when car racing is going on in the area. Christopher Niglio of Merced Manor thanked Commissioner Shoemaker for requesting a rehearing and said he is against any action which undermines the CU conditions. John Hentz, president of the Lakeshore Improvement Club, said his group has tried to reach an agreement with the owner outside the CU but now he supports the ZA and he asked for strict compliance with the conditions. Patricia Frank explained a petition from the students of Lowell High School; the petition said that fast food restaurants promote bad eating habits and life styles and cause litter problems. Mario Pilpel said he opposes high volume fast food restaurants and that the Planning Director has assured him they would not be permitted. Ray Koobation said there is already McDonald's litter in the area from people who buy fast food elsewhere and eat in their cars and leave the containers of the street. James Stark said the issue is not menu but venue. Adena Rosmarin said she opposes the process and people are entitled to sunshine on it; she feels there has been a bait and switch here which is objectionable. Karen Niglio thanked Commissioner Shoemaker and said she is baffled why the hearing had been rescheduled and that the same people who supported the CU are here to defend it. Anne Marie Conroy said she is speaking as a private citizen and that the owner should seek a new CU authorization to modify the conditions if they have problems with them. Pat Skain said she wants to maintain the character of the area and that there is a difference between a hamburger and a sandwich. Supervisor Tony Hall thanked the Board for agreeing to hold a rehearing, and said that a low-volume sit-down restaurant would be acceptable to the neighbors whom he has listened to. Carter Heeming who does leasing for the shopping center objected to the ZA's position, and said that he's frustrated because he has tried to meet with the neighbors to negotiate but he has not had a response from them.

No public comment for the Appellant.

5)

APPEAL NO. 03-026

MARK HOLLANDER, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the revocation on February 3, 2003,
[of taxi medallion No(s). 881.
[RESOLUTION NO. 2003-03.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the appeal to June 25, 2003 at the request of the parties.

SPEAKERS: None.

6)

APPEAL NO. 03-028

OLLIVER LOUD, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing a Public Convenience and Necessity
[Finding & Decision dated Feb. 6, 2003, that taxi
[service in the City and County is being
[sufficiently met by the currently authorized
[1,381 taxi permits, and that the authorization of
[any additional permits is not warranted.
[RESOLUTION NO. 2003-06.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to uphold the subject Public Convenience & Necessity Finding.

SPEAKERS: Naomi Little, Executive Director of the Taxicab Commission, gave an explanation of the Commission's Finding that is made annually to determine whether more medallions are needed to serve the public, and that all data she has collected indicates no additional medallions are needed at this time. Olliver Loud, Appellant, asked the Board to overrule the Commission and issue more medallions so that he can get one because of the high cost of driving, and his need for the steady income a medallion would give him.

No public comment for the appellant.

Public comment for the Taxicab Commission: Barry Taranto of the UTW said that there are 2,340 people on the medallion list ahead of the appellant, and that it is hard to make a living driving and that many drivers have quit. Mark Gruberg of the UTW said he sympathizes with the appellant, and that without a medallion a driver can't make a living.

7) **APPEAL NO. V03-012**

JAMES ESTEY, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[2815 Diamond Street.
[Protesting the granting on January 9, 2003, to [David Prowler at Glen Park Market Place LLC, [Rear Yard, Parking, Usable Open Space & [Dwelling Unit Exposure Variance(s) (proposal [may be constructed with 1,440sf of rear yard in [the southeast corner of the property where [4000sf are required; no parking spaces for the [nonresidential uses where 14 are required; [1,454sf of usable open space and some of the [open space areas with minimum dimensions of [4.5 feet and 8 feet where 1,714sf of usable [open space with minimum dimensions of 6 feet [for private open space and 15 feet for common [space are required; and with 6 of the proposed [15 dwelling units to not have windows facing [either a public right-of-way or a Code complying [rear yard.
[VARIANCE CASE NO. 2002.0124V.
[PUBLIC HEARING HELD & CLOSED [MARCH 19, 2003.
[FOR FURTHER CONSIDERATION TODAY.

[Please note that the Board, by direction of the President or motion and vote of a majority of the Commissioners, reopen the hearing on this matter to hear sworn testimony from members of the public who were unable to attend the March 19, 2003 hearing because the anti-war demonstrations occurring at Civic Center prevented their access to the meeting, and to allow the parties to rebut any new testimony.]

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-1 (Vice President Harrington dissented) to uphold the variance(s) with Negative Declaration findings as read into the record by Commissioner Shoemaker.

SPEAKERS: Gary Pike said that 90% of businesses in the area are opposed to the parking variance and the project, and that the 5 requirements for a variance have not been met, especially 4 and 5. David Golden said that what has not been addressed is that there was once a gas station on the site although there was some discussion at the Planning Commission about a station next door, and that the approval process for the project should start over. Brian Avery said that the accuracy of the traffic study in the Negative Declaration is at issue, and it is inadequate with 10 intersections close by that pose a danger to the young and elderly. Michael Yochum said that he is baffled by the variance process which seems to be slanted in favor of the applicant, and that a loading dock should be required here even if it's not required by the Code. Susan Cobb said there is a need to address the toxic problems, and then complained that the project plans changed after the public had first seen them. Peter Warfield said he opposes variances, and that this project is a bad deal for the library and the City. Elizabeth Hughes said a

creek runs through the property and it may be impacted by the toxics on the site but no one has checked it. Fred Olsen said that everyone wants a grocery Store but parking is the issue since there is a traffic hub for people commuting to area businesses. The parking lot has a high turnover rate and the loss of the existing parking spaces will have a dramatic effect on the local businesses; he said there are many creative ways to solve the problems at issue. Tom Huber described his experiences with the Glen Park Association about this project, and said the public was not included in the process. Charlie Stevenson said he feels the burden of proof should be on the variance holder and not the appellant since the variance holder must how the 5 requirements for a variance have been met; he also said that there seems to be blind acceptance of the project; he asked the Board to deny the part of the decision regarding off-street parking.

Craig Nikitas, PD, described the CEQA process as it applies to the project and said that a loading dock is not required here, and also explained the City's transit first program that is in the Charter. James Estey, appellant, summarized his opposition to the granting of the variance, and said he is concerned with the tome of the Dept. and feels it's wrong that the burden is on the community to prove that there are problems here and that the project is not consistent with the eight priority policies in the Planning Code. David Prowler, variance holder, summarized the history of the procedural approvals of the project.

8) **APPEAL NO. 02-100**

CANADIAN AMERICAN OIL CO., Appellant(s) vs. ZONING ADNMISTRATOR, Respondent	[1868 Van Ness Avenue (Ben's Shell Station). [Appealing a Cease & Desist Order dated [May 24, 2002, addressed to Equilon [Enterprises LLC & Canadian American Oil, that [the subject property is being used for operation [of an off-street parking facility without [benefit of a Conditional Use (CU) authorization, [in violation of Planning Code §'s 171 & [209.7(c). [FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the appeal to May 14, 2003 at the request of the parties.

SPEAKERS: None.

9) **APPEAL NO. 02-176**

SIMON KONG & YING-AH KONG, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[2114-2118 Mission Street.
[Appealing a determination dated August 22, [2002, addressed to Van Ly, that no additional [group housing or dwelling units could be added [to the subject property since the number of [dwelling units alone exceeds the density limit [under the Planning Code, and that Conditional [Use Application No(s). 2001.1119C requesting [a parking exception to add group housing units [could not be approved under Planning Code [requirements.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to uphold the subject determination.

SPEAKERS: None.

10) **APPEAL NO. V03-003**

BONNIE DEMERGASSO, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[3196 Pacific Avenue.
[Protesting the granting on January 6, 2003, to [Dan Phipps Architects (Subject Property Owner [John Conlin), Rear Yard Variance (on single-[family house: construction of an addition at the [basement, 1st and 2nd floors at the northeast [corner of the rear of the existing building in the [required rear yard).
[VARIANCE CASE NO. 2002.1008V
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to uphold the subject variance.

SPEAKERS: Craig Nikitas, PD, described the project and why the variance has been granted. Bonnie Demergasso, appellant, described how the project will have a negative impact on her property and cause shadowing and block her light and air and invade her privacy. She said that there will be a DR hearing on the alteration permit and that she hopes to get back to the good faith negotiations they had several months ago. David Cincotta, attorney for the variance holder, said his client has been trying to work this out for two years and also feels that the five requirements for a variance have been met. Mary Conlin, subject property owner, explained their need for additional space for her family.

No public comment for either side.

11) **APPEAL NO. 03-029**

JENNIFER & SIMON MILLER, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[655 Head Street.
[Protesting the issuance on Feb. 3, 2003, to [Vessie Bailey, Permit to Alter a Building (on [single-family house: addition of new deck and [staircase to the 2nd floor of building, and a 3-[inch concrete slab at the rear of building).
[APPLICATION NO. 2003/02/03/6573.
[FOR HEARING TODAY.

ACTION: Appeal withdrawn by the appellants.

12) **APPEAL NO. 03-030**

GARY VARUM, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[727 Moraga Street.
[Appealing a determination dated Feb. 4, 2003, [addressed to Gary Varum, that since there is [adequate frontage on Moraga Street to permit [access to, and development of the lot, and [since the proposed development indicates [direct access to Moraga Street only, and the [Planning Commission has denied direct access [to the public stairway, the front property line and [the appropriate location from which to measure [the permitted height for buildings on the lot is [the center of that portion of the lot fronting on [Moraga Street and not on the public stairs.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to uphold the subject determination.

SPEAKERS: Craig Nikitas, PD, explained the Code process for measuring the height of buildings and how it is done on the subject site, which is on the public right of way. Gary Varum, appellant, described the effect of measuring the height of his building are the planners want, which leaves him half a story short; he asked the Board to overrule the determination and allow him to measure the height with his method so that he can have the full height that other people have and not lose a story for his proposed building.

Public comment for the ZA: Will Kwan said that the appellant is reading the plans wrong and that the elevation is actually 541.93 and not 547.93 as measured on Mr. Escobar's house. The proposed building will be four feet higher than the down sloping building; he said the previous owner measured from the curb.

No public comment for the appellant.

here being no further business President Chin adjourned the meeting at 10:05 p.m.

rnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

ranscripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 06-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

REGULAR MEETING - WEDNESDAY, APRIL 30, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

DOCUMENTS DEPT.

APR 29 2003

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(3) **ADDENDUM ITEMS:**

ITEM A: 2282 – 28th Avenue. Letter from Like Liu, Appellant, requesting rehearing of Appeal No(s). 03-019, Liu vs. DBI, PDA, decided April 2, 2003. At that time, upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the subject permit due to the non-appearance of the appellant. Permit Holder(s): Cheng Lee. Project: on single-family house, remove illegal unit at ground floor, remove non-bearing partitions, kitchen, toilet and closet; create new storage.

(4) **APPEAL NO. 03-036**

CLEAR CHANNEL OUTDOOR, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[3251-3253 Steiner St. / 2205 Lombard St.
[Protesting the issuance on Feb. 24, 2003, to
[Margaret Pocoroba, Permit to Erect a Sign
[(reinstallation of two 12' X 24' signs as soon as
[the existing mixed commercial building is
[waterproofed; existing angle and lag at wall to
[remain in place during removal and
[reinstallation).
[APPLICATION NO. 2003/02/24/8142.
[FOR HEARING TODAY.

(5) **APPEAL NO. 02-096**

RAFAEL MIRANDA, Appellant(s)
vs.
ZONING ADNMISTRATOR, Respondent

[1255 Goettingen Street.
[Appealing a determination dated May 22, 200
[addressed to Rafael Miranda, that the legal us
[of the subject property is a single-fami
[dwelling because the building was constructe
[as a single-family house, because no perm
[could be found which authorized the addition
[a second dwelling unit, and because the perm
[history indicates the continued use of th
[structure as a single-family structure.
[FOR HEARING TODAY.

(6) **APPEAL NO. 02-232**

GEORGE HAUSER, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
BOARD OF SUPERVISORS DISAPPROVAL

§ 14 PARTIES: None (Mandatory DR)

[1168 Folsom Street.
[Appealing the denial on November 25, 2002,
[Site Permit to Erect a Building (5 story, 20-ur
[building with 8000sf of ground floor area).
[APPLICATION NO. 2002/02/21/9626S.
[**NOTE:** Pursuant to Emergency Ordinanc
[186-02, the Director of Planning held a D
[hearing acting as the full Planning Commissic
[and denied the subject permit; the Board
[Supervisors then upheld the action of th
[Director of Planning; the Project Sponsor ha
[now appealed the action of the Board
[Supervisors to the Board of Appeals.
[FOR HEARING TODAY.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 02-239**

KENNETH FONG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 1
[2002, to Ronald Wallace, Site Permit
[Erect a Building (3-story, single fami
[residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

(7B) **APPEAL NO. 02-241**

MORRIS & BRENDA ABBOTT, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 11, [2002, to Ronald Wallace, Site Permit to [Erect a Building (3-story, single family [residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

(8) **APPEAL NO. 03-022**

CONRAD DONNER, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[275 Magellan Avenue.
[Protesting a determination dated Feb. 4, 2003, [addressed to Manuel Frias at Frias Family Vineyard, [that the proposed establishment of Alcoholic [Beverage Licenses Types 20 & 17 at the subject [property does meet the requirements of Planning [Code § 204.1 in that there will be no stock in trade [kept on the premises, no signage, no walk-up [clientele, and not more than ¼ of the floor area will [be used to conduct the business; and furthermore, [as the proposed business is an accessory use, in [contrast to a principally permitted use, § 311 [neighborhood notification is not required.
[FOR HEARING TODAY.

(9) **APPEAL NO. 03-034**

MARK POPE, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[923 Eddy Street.
[Protesting the issuance on Feb. 18, 2003, to [C & O Construction, Permit to Alter a Building [(on 24-unit apartment building: replacement of [12 existing wood decks with wood/steel decks).
[APPLICATION NO. 2002/08/27/5063.
[FOR HEARING TODAY.

ITEMS (10A) & (10B) SHALL BE HERAD TOGETHER:

(10A) **APPEAL NO. 03-037**

MICHAEL SLADE, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[75 Miraloma Drive.
[Protesting the issuance on March 6, 2003, to [William Mandel, Permit to Erect a Building [(3-story single family house, 31' in height, with [880sf of ground floor area).
[APPLICATION NO. 2000/02/23/2627.
[FOR HEARING TODAY.

(10B) **APPEAL NO. 03-038**

CANDY TSANG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. DISAPPROVAL

[75 Miraloma Drive.
[Protesting the issuance on March 6, 2003,
[William Mandel, Permit to Erect a Buildir
[(3-story single family house, 31' in height, wi
[880sf of ground floor area).
[APPLICATION NO. 2000/02/23/2627.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holde Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determinatic resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: April 24, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials revocations and suspensions the representatives of the department, board, commission or persor from whose order the appeal is taken shall speak first and shall be allowed seven minutes for thei presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed sever minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, o visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 30, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, Vice President Kathleen Harrington, Commissioner Hisashi Sugaya, Commissioner Sabrina Saunders, and Commissioner Douglas Shoemaker.

Catharine Barnes, Deputy City Attorney (DCA); Craig Nikitas for the Planning Dept. (PD) and the Zoning Administrator (ZA); Leo McFadden, Senior Building Inspector, DBI (SBI, DBI); Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistant; and Claudine Woeber, Official Court Reporter.

1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

3) **ADDENDUM ITEMS:**

ITEM A: 2282 – 28th Avenue. Letter from Like Liu, Appellant, requesting rehearing of Appeal No(s). 03-019, Liu vs. DBI, PDA, decided April 2, 2003. At that time, upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the subject permit due to the non-appearance of the appellant. Permit Holder(s): Cheng Lee. Project: on single-family house, remove illegal unit at ground floor, remove non-bearing partitions, kitchen, toilet and closet; create new storage.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to grant the rehearing request and set it for June 4, 2003.

SPEAKERS: Like Liu, requestor, explained his lateness in attending the rehearing and asked the Board to grant a rehearing in order to present his case. Cheng Lee, permit holder, asked the Board to deny the rehearing request since there is no new evidence. No public comment.

4) **APPEAL NO. 03-036**

CLEAR CHANNEL OUTDOOR, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[3251-3253 Steiner St. / 2205 Lombard St.
[Protesting the issuance on Feb. 24, 2003, to [Margaret Pocoroba, Permit to Erect a Sign [(reinstallation of two 12' X 24' signs as soon as [the existing mixed commercial building is [waterproofed; existing angle and lag at wall to [remain in place during removal and [reinstallation).
[APPLICATION NO. 2003/02/24/8142.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-2 (Vice President Harrington & Commissioner Shoemaker dissented) to reschedule the appeal to June 4, 2003.

SPEAKERS: Jared Eigerman, attorney for appellant, asked the Board to continue the hearing for two weeks so that he can respond to the late submittal by the permit holder and the planners can figure out this complex case. Brett Gladstone, attorney for appellant, objected to having the matter put over since he has withdrawn his late brief and there is nothing new for the appellant to respond to. Catharine Barnes, DCA, said that she needs time to research this case of first impression regarding the effects of Prop G, the voter-approved ban on new billboards. No public comment.

5) **APPEAL NO. 02-096**

RAFAEL MIRANDA, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1255 Goettingen Street.
[Appealing a determination dated May 22, 2002, [addressed to Rafael Miranda, that the legal use [of the subject property is a single-family [dwelling because the building was constructed [as a single-family house, because no permit [could be found which authorized the addition of [a second dwelling unit, and because the permit [history indicates the continued use of the [structure as a single-family structure.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the appeal to June 4, 2003, with briefs due 2 weeks prior to hearing.

SPEAKERS: Jeremy Paul agreed to a rescheduling of the hearing. Craig Nikitas, PD, said he had no objection to the rescheduling.

6) **APPEAL NO. 02-232**

GEORGE HAUSER, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
BOARD OF SUPERVISORS DISAPPROVAL

§ 14 PARTIES: None (Mandatory DR)

[1168 Folsom Street.
[Appealing the denial on November 25, 2002, of [Site Permit to Erect a Building (5 story, 20-unit [building with 8000sf of ground floor area).
[APPLICATION NO. 2002/02/21/9626S.
[**NOTE:** Pursuant to Emergency Ordinance [186-02, the Director of Planning held a DR [hearing acting as the full Planning Commission [and denied the subject permit; the Board of [Supervisors then upheld the action of the [Director of Planning; the Project Sponsor has [now appealed the action of the Board of [Supervisors to the Board of Appeals.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the denial and grant the subject permit with conditions as stipulated by the appellant and Planning Dept., with adoption of findings on May 14, 2003.

SPEAKERS: Craig Nikitas, PD, said so long as the proposed conditions are imposed he has no objection to the Board overruling the Planning Commission.

TEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

7A) **APPEAL NO. 02-239**

KENNETH FONG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 11, [2002, to Ronald Wallace, Site Permit to [Erect a Building (3-story, single family [residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

7B) **APPEAL NO. 02-241**

MORRIS & BRENDA ABBOTT, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 11, [2002, to Ronald Wallace, Site Permit to [Erect a Building (3-story, single family [residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to reschedule both appeals to May 21, 2003 at the request of the parties.

3) **APPEAL NO. 03-022**

CONRAD DONNER, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[275 Magellan Avenue.
[Protesting a determination dated Feb. 4, 2003, [addressed to Manuel Frias at Frias Family Vineyard, [that the proposed establishment of Alcoholic [Beverage Licenses Types 20 & 17 at the subject [property does meet the requirements of Planning [Code § 204.1 in that there will be no stock in trade [kept on the premises, no signage, no walk-up [clientele, and not more than ¼ of the floor area will [be used to conduct the business; and furthermore, [as the proposed business is an accessory use, in [contrast to a principally permitted use, § 311 [neighborhood notification is not required.
[FOR HEARING TODAY.

ACTION: Appeal withdrawn by the appellant.

9) **APPEAL NO. 03-034**

MARK POPE, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[923 Eddy Street.
[Protesting the issuance on Feb. 18, 2003, to [C & O Construction, Permit to Alter a Building [(on 24-unit apartment building: replacement of [12 existing wood decks with wood/steel decks).
[APPLICATION NO. 2002/08/27/5063.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-1 (Commissioner Shoemaker absent) to uphold the subject permit.

SPEAKERS: None. Appellant did not show up.

[EMS (10A) & (10B) SHALL BE HERAD TOGETHER:

10A) **APPEAL NO. 03-037**

MICHAEL SLADE, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[75 Miraloma Drive.
[Protesting the issuance on March 6, 2003, to [William Mandel, Permit to Erect a Building [(3-story single family house, 31' in height, with [880sf of ground floor area).
[APPLICATION NO. 2000/02/23/2627.
[FOR HEARING TODAY.

0B) **APPEAL NO. 03-038**

CANDY TSANG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[75 Miraloma Drive.
[Protesting the issuance on March 6, 2003, to
[William Mandel, Permit to Erect a Building
[(3-story single family house, 31' in height, with
[880sf of ground floor area).
[APPLICATION NO. 2000/02/23/2627.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 2-3 (President Chin, & Commissioners Shoemaker and Sugaya dissented) to uphold the subject permit. Four votes being required to overturn or modify any departmental action, the motion passed and the permit was upheld with no conditions.

SPEAKERS: Michael Slade, appellant, objected to the square footage of the proposed new building and said he had support from 80 neighbors and five neighborhood groups; he said he is not opposed to all development on the property but wants neighborhood character to be preserved and the driveway reconfigured to reduce the hazard of cars having to back up onto a blind curve into the path of the 43 Masonic bus line. Candy Tsang, appellant, said she is speaking on behalf of many neighbors who could not attend the hearing; she said the project does not comply with the RDG"S or with Prop M since it is not in scale with the neighborhood. Christopher Moscone, attorney for permit holder, described the three year review process his client went through to get the permit which has been thoroughly reviewed and is Code complying, requiring no variances and with outreach to the neighbors, and with geo-technical reports in the file.

Public comment for the appellants: Moishe Rosen said the Commission ignored the 50 neighbors who opposed the project. Isaac Moonzwc read a letter from Mrs. Rosen who wrote she never thought the lot was buildable and that the proposal is too large and out of character with the area. Susan Banie said the proposed house is not 3 stories but is 4 stories and should not be approved. Paolo Vincenti describes what he considers a dangerous hairpin curve out which the driveway will feed creating a great traffic hazard. Michael Eisenberg said the proposal is too large and should be set back from the street, and that there has been no outreach, and that the plans are not Code compliant and not in the spirit of the RDG's. Michael Aminoff said the 4-story design is not in character with the 2-story houses in the neighborhood which have front gardens. Eleonara Shevkhod said she opposes the project and the previous owners said not to park in front because it would be fatal, and she feels there should a setback and a driveway to reduce the traffic hazard. Jan Aminoff said the area is gracious, and all the houses have front gardens but this project will not. Eva Vincenti said that all houses in the neighborhood have front gardens, that the smallest houses are one-story over garage, and that some houses are on double lots but all have front setbacks, while the project will take up the entire lot. Ann Finigan said the developer has enough insurance to cover damages caused by a landslide. Flavio Vincenti said that 84 neighbors oppose the project as well as five associations, that this is the only blind curve in the City, that the project is bad for the community, and that the project will rob the City of some of its soul. Paul Finigan, the DR Requestor, said that the proposal is extraordinary, especially the square footage which will be 75% larger than existing homes in Miraloma, and he felt liability is an issue.

Public comment for the permit holder: Jim Keith explained that this is an uphill lot, that the photos of the opposition are misleading, and that the house is totally appropriate for the area. Lou Gilpin, a geologist hired by the permit holder, said his study shows no evidence of landslides or slippage here, that the plans are conservative, and that they will meet all the geo-technical suggestions of the engineers.

Craig Nikitas, PD, described the context of the proposal and the adjacent house, and how the Urban Design Element of the Comprehensive Plan encourages the emphasis of hill form.

here being no further business President Chin adjourned the meeting at 7:43.

rnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

ranscripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 06-0430.

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MAY 13 2003

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

REGULAR MEETING - WEDNESDAY, MAY 14, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

ITEM A: 4125 Balboa Street. Letter from Clarance & Jutta Grider, Appellant(s), requesting rehearing of Appeal No(s). 03-023, Grider vs. ZA, decided April 9, 2003. At that time, upon motion by Vice President Harrington, the Board voted 4-0-1 (Commissioner Shoemaker absent) to uphold the stop work order request by the Zoning Administrator.

ITEM B: 702 Earl Street. Adoption of Findings for Appeal No(s). 02-122 & 02-173, Hamman vs. DBI & Cassidy vs. ZA, decided Jan. 22, 2003. At that time, concerning Appeal No. 02-122, upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to overrule the suspension on condition that the appellant file an amended Building Permit Application to correct all Building Code violations to date (Jan. 22, 2003). And for Appeal No. 02-173, at that time, upon motion by President Chin, the Board voted 2-2-1 (Commissioners Shoemaker & Sugaya dissented, Commissioner Saunders absent) to overrule the subject determination. Four votes being required to overturn or modify any departmental action, the motion failed, and the subject determination was upheld. Appellant(s): Michael Hamman & Joe Cassidy.

ITEM C: 1168 Folsom Street. Adoption of Findings for Appeal No(s). 02-232, Hauser vs. DBI, BOSD, decided April 30, 2003. At that time, upon motion by President Chin, the Board voted 5-0 to overrule the denial & grant the subject permit with conditions as stipulated by the appellant and the Planning Department, with findings to be adopted on May 14, 2003. Appellant(s): George Hauser. Project: erect a 5 story, 20-unit building with 8000sf of ground floor area.

(4) **APPEAL NO. 03-010**

MICHAEL MA, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent
Subject Prop. Owner(s): ROGER REYNOLDS

[2750 Lake Street.
[Appealing the determination dated Jan. 6, 2003
[addressed to Sue Hestor, attorney fo
[Appellant, that the proposal to construct a 2'
[story above the existing garage on thi
[detached single family house, if either stree
[frontage was to be elected as the front lot line
[that portions of the existing building would occu
[within the required rear yard, and thus be nor
[conforming; therefore, electing a front lin
[parallel to 29th Avenue would allow for th
[proposal to comply with Planning Code §
[172(b) & 173(b).
[FOR HEARING TODAY.

(5) **APPEAL NO. 02-100**

CANADIAN AMERICAN OIL CO., Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1868 Van Ness Avenue (Ben's Shell Station).
[Appealing a Cease & Desist Order date
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[of an off-street parking facility without benefit
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[violation of Planning Code §§ 171 & 209.7(c).
[FOR HEARING TODAY.

(6) **CONSENT ITEMS (DBI PENALTY):** With the consent of the Department of Building Inspectio the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to tw times the regular fee as provided for in the Building Code. Without consent the Board will tak testimony and then decide the appeal.

(6A) **APPEAL NO. 03-033**

ALLEN WU, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[618-620 – 6th Street.
[Appeal for refund of penalty imposed o
[February 27, 2003, for work done without
[permit (on 2-family residential building
[rebuild side stair, remove kitchen and stud
[room at 2nd floor, remove illegal kitchen a
[ground floor).
[APPLICATION NO. 2003/02/18/7723.
[FOR HEARING TODAY.

(6B) **APPEAL NO. 03-035**

WILLIAM HOGLUND, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[1230 – 25th Avenue
[Appealing the imposition of penalty imposed [on March 6, 2003, for work done without a [permit (on single-family house: comply with [NOV #200336757, remove illegal kitchen [and legalize existing rooms in garage at [rear, install laundry sink, and change kitchen [and bedroom to storage rooms).
[APPLICATION NO. 2003/02/12/7342.
[FOR HEARING TODAY.

(6C) **APPEAL NO. 03-041**

CLAIRE M. BEASLEY, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[925-927 Grove Street.
[Appeal for refund of penalty imposed on [March 13, 2003 for work done without a [permit (on two-unit residential building: [remove existing prohibited kitchen from non-[permitted, unconditioned area of [construction to convert area to [unconditioned permitted construction; range, [refrigerator, and kitchen cabinets to be [removed, and range gas line to be capped [and sealed within wall; voluntary [compliance).
[APPLICATION NO. 2003/03/03/8647.
[FOR HEARING TODAY.

(7) **APPEAL NO. 03-039**

PATRICIA C. MAJOR, Appellant(s)
vs.

DEPT. OF PUBLIC WORKS, Respondent

[1400 Montgomery Street.
[Appealing the denial on Feb. 27, 2003, of a [Permit to Remove & Replace One Tree.
[ORDER NO. 173,986.
[FOR HEARING TODAY.

(8) **APPEAL NO. 02-201**

JAMES VIEGAS, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[91 San Felipe Ave.
[Protesting the issuance on October 2, 2002, t
[Mark Sears & Russell Schrader, Permit to Alte
[a Building (on single-family house: additiona
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[Inspector regarding the planters from Buildin
[Permit Application No(s). 2001/12/19/5627
[show as built planter wall (under rear deck an
[stair case), correct garage roof deck, finishe
[floor elevation).
[APPLICATION NO. 2002/10/02/7981.
[PARTIAL TESTIMONY HEARD APRIL 2, 2003
[FOR FURTHER CONSIDERATION TODAY.

(9) **APPEAL NO. 02-237**

TINA WOLLENBERGER
& RAFAEL CALDERON, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[2515-2519 Post Street.
[Protesting the issuance on March 29, 2002
[to Victor Ume-Ukeje, Permit to Alter
[Building (on 3-unit residential building
[renovation of each unit; upgrade of bath
[kitchen; finishes, lighting; no change t
[building footprint; new garage.)
[APPLICATION NO. 2002/03/29/2665.
[JURISDICTION GRANTED DEC. 12, 2002.
[PUBLIC HEARING HELD & CLOSED O
[FEB. 26, 2003.
[FOR FURTHER CONSIDERATION TODAY

(10) **APPEAL NO. 03-009**

IBRAHIM MALIK,SALWA
GHAIM & THOMAS NGAI, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[39 Country Club Drive.
[Protesting the issuance on January 3, 2003, t
[David Truong, Site Permit to Alter a Buildin
[(horizontal addition on single-family house).
[APPLICATION NO. 2002/02/25/9908S.
[**NOTE:** BOARD VOTED ON MARCH 19, 200
[TO UPHOLD PERMIT WITH N
[CONDITIONS. THEN, ON APRIL 23, 200
[THE BOARD VOTED 5-0 TO GRANT TH
[REHEARING REQUESTS BY THE PLANNIN
[DEPT. & THE APPELLANTS.
[FOR REHEARING TODAY.

11) **APPEAL NO. 03-015**

SANGIACOMO
ROSETTA LIVING TRUST, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. DISAPPROVAL

[3366 Sacramento Street.
[Appealing the denial on Jan. 30, 2003, of [Permit to Alter a Building (on 2-unit [residential/retail building: change of use permit; [provide new sprinkler for 1hr protection and [new ¾ hr property line protection windows).
[APPLICATION NO. 2001/04/25/7697.
[FOR HEARING TODAY.

12) **APPEAL NO. V03-024**

ALFRED LEE, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[423 – 35th Avenue.
[Appealing the denial on Feb. 6, 2003, of Rear [Yard & Front Setback Variances (subject [property, a 3-story, 2-family house was built [subsequent to Planning Commission [Discretionary Review Case No(s). [1997.0380D, but in violation of the plans [approved by the Commission, and to an extent [that would require a variance from the [requirements of the Planning Code to allow the [building to remain.)
[VARIANCE CASE NO. 2002.1210V.
[FOR HEARING TODAY.

13) **APPEAL NO. 03-040**

ELIZABETH FREITAS, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[1915 Diamond Street.
[Appealing the denial on March 13, 2003, of [a Permit to Alter Building (on a single-family [house: correct record to show legal [housekeeping unit, comply with NOV [#200225189, remodel kitchen and bath in [housekeeping unit, and repair exterior rear [stairs).
[APPLICATION NO. 2003/02/19/7803.
[FOR HEARING TODAY.

ITEMS (14A), (14B) & (14C) SHALL BE HEARD TOGETHER:

(14A) **APPEAL NO. 03-042**

JOHN LOUGHRAN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[2735 Larkin Street.
[Protesting the issuance on November 1
[2002 (re-noticed March 17, 2003 to exter
[appeal period) to Adam Landsdorf, Permit
[Alter a Building (on single-family hous
[interior remodel of kitchen, bathroom
[removal of windows to be replaced wi
[doors; construction of decks over garag
[roof of basement for structural DWGS, ga
[at rear yard easement; see BPA No(s
[2002/10/18/9395; revise to clarify scope).
[APPLICATION NO. 2002/11/15/1602.
[FOR HEARING TODAY.

(14B) **APPEAL NO. 03-049**

MARK W. MIRAVALLE, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[2735 Larkin Street.
[Protesting the issuance on November 1
[2002 (re-noticed March 17, 2003 to exter
[appeal period) to Adam Landsdorf, Permit
[Alter a Building (on single-family hous
[interior remodel of kitchen, bathroom
[removal of windows to be replaced wi
[doors; construction of decks over garag
[roof of basement for structural DWGS, ga
[at rear yard easement; see BPA No(s
[2002/10/18/9395; revise to clarify scope).
[APPLICATION NO. 2002/11/15/1602.
[FOR HEARING TODAY.

(14C) **APPEAL NO. 03-050**

RICHARD GARVIN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[2735 Larkin Street.
[Protesting the issuance on November 1
[2002 (re-noticed March 17, 2003 to exter
[appeal period) to Adam Landsdorf, Permit
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[at rear yard easement; see BPA No(s
[2002/10/18/9395; revise to clarify scope).
[APPLICATION NO. 2002/11/15/1602.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: May 8, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials revocations and suspensions the representatives of the department, board, commission or perso from whose order the appeal is taken shall speak first and shall be allowed seven minutes for thei presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minute for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes t present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seve minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to thre minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the dat of hearing. In the event that a matter is continued to a specific date by the presiding officer an announced to the parties in the hearing room, no additional mailed notice will be sent. Please ca the Board office at 575-6880 for scheduling or other information during regular business hours, o visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board should be addressed to the Board President, and be received at the Board office, 1660 Missio Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled publi hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 14, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, Vice President Kathleen Harrington, Commissioner Hisashi Sugaya, Commissioner Sabrina Saunders, and Commissioner Douglas Shoemaker.

Catharine Barnes, Deputy City Attorney (DCA); Julian Banales for the Planning Dept. (PD) and the Zoning Administrator (ZA); Leo McFadden, Senior Building Inspector, DBI (SBI, DBI); Tony Wolcott, Acting Urban Forester, Dept. of Public Works, Bureau of Urban Forestry; Robert Feldman, Executive Secretary and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

3) **ADDENDUM ITEMS:**

ITEM A: 4125 Balboa Street. Letter from Clarance & Jutta Grider, Appellant(s), requesting rehearing of Appeal No(s). 03-023, Grider vs. ZA, decided April 9, 2003. At that time, upon motion by Vice President Harrington, the Board voted 4-0-1 (Commissioner Shoemaker absent) to uphold the stop work order request by the Zoning Administrator.

ACTION: Upon motion by President Chin, the Board voted 5-0 to deny the rehearing request.

SPEAKERS: None. The requestors did not appear.

ITEM B: 702 Earl Street. Adoption of Findings for Appeal No(s). 02-122 & 02-173, Hamman vs. DBI & Cassidy vs. ZA, decided Jan. 22, 2003. At that time, concerning Appeal No. 02-122, upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to overrule the suspension on condition that the appellant file an amended Building Permit Application to correct all Building Code violations to date (Jan. 22, 2003). And for Appeal No. 02-173, at that time, upon motion by President Chin, the Board voted 2-2-1 (Commissioners Shoemaker & Sugaya dissented, Commissioner Saunders absent) to overrule the subject determination. Four votes being required to overturn or modify any departmental action, the motion failed, and the subject determination was upheld. Appellant(s): Michael Hamman & Joe Cassidy.

ACTION: Upon motion by President Chin, the Board voted 5-0 to adopt the findings as amended.

SPEAKERS: Andrew Zacks, attorney for the appellant Michael Hamman, asked the Board to adopt the findings that he presented and said that the DBI refused to accept his client's applications. Leo McFadden, SBI, DBI, objected to certain language in the proposed findings, and said that the required permit application submitted was not yet approvable. No public comment.

ITEM C: 1168 Folsom Street. Adoption of Findings for Appeal No(s). 02-232, Hauser vs. DBI, BOSD, decided April 30, 2003. At that time, upon motion by President Chin, the Board voted 5-0 to overrule the denial & grant the subject permit with conditions as stipulated by the appellant and the Planning Department, with findings to be adopted on May 14, 2003. Appellant(s): George Hauser. Project: erect a 5 story, 20-unit building with 8000sf of ground floor area.

ACTION: Upon motion by President Chin, the Board voted 5-0 to adopt the findings.

SPEAKERS: None.

4)

APPEAL NO. 03-010

MICHAEL MA, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

Subject Prop. Owner(s): ROGER REYNOLDS

[2750 Lake Street.
[Appealing the determination dated Jan. 6, 2003, [addressed to Sue Hestor, attorney for [Appellant, that the proposal to construct a 2nd [story above the existing garage on this [detached single family house, if either street [frontage was to be elected as the front lot line, [that portions of the existing building would occur [within the required rear yard, and thus be non-[conforming; therefore, electing a front line [parallel to 29th Avenue would allow for the [proposal to comply with Planning Code §§ [172(b) & 173(b).
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 2-3 (President Chin, Vice President Harrington, & Commissioner Saunders dissented) to overrule the subject determination with a finding that the front of the house is on Lake Street. Four votes being required to overturn or modify any departmental action, the motion failed and the subject determination was upheld.

SPEAKERS: Julian Banales, PD, explained the determination being appealed and the project that required it, which is consistent with the Residential Design Guidelines (RDG's). He said this issue is a gray area and that the Code is not definite on it. Sue Hestor, attorney for Appellant, said the determination was in conflict with the traditional planning policy regarding choice of front property lines for corner lots, and in her view the project was located in the required rear yard and cannot be approved unless a variance is sought and approved; she also said that if the determination is not overruled it will be a bad precedent for future development of occupied corner lots across the City. Public comment for the ZA: Roger Reynolds, subject property owner, said the proposed addition will only be 296sf of space needed by his family and will rebuild the dilapidated garage with a room over it, and that he has much neighborhood support. Ed Caplon, Mr. Reynold's architect, said that the existing garage has a flat roof while the proposed one will have a smaller footprint and a pitched roof more in keeping with the character of the neighborhood. No public comment for appellant.

5) **APPEAL NO. 02-100**

CANADIAN AMERICAN OIL CO., Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[1868 Van Ness Avenue (Ben's Shell Station).
[Appealing a Cease & Desist Order dated
[May 24, 2002, addressed to Equilon
[Enterprises LLC & Canadian American Oil, that
[the subject property is being used for operation
[of an off-street parking facility without benefit of
[a Conditional Use (CU) authorization, in
[violation of Planning Code §§ 171 & 209.7(c).
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the case to the Call of the Chair at the request of the parties.

SPEAKERS: None.

6) **CONSENT ITEMS (DBI PENALTY):** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

6A) **APPEAL NO. 03-033**

ALLEN WU, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[618-620 – 6th Street.
[Appeal for refund of penalty imposed on
[February 27, 2003, for work done without a
[permit (on 2-family residential building:
[rebuild side stair, remove kitchen and study
[room at 2nd floor, remove illegal kitchen at
[ground floor).
[APPLICATION NO. 2003/02/18/7723.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to reduce the penalty to 5 times the regular fee.

SPEAKERS: Leo McFadden, SBI, DBI, asked the Board to uphold the investigation fee because of the many violations of the Code listed in the file.

(6B) **APPEAL NO. 03-035**

WILLIAM HOGLUND, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[1230 – 25th Avenue
[Appealing the imposition of penalty imposed [on March 6, 2003, for work done without a [permit (on single-family house: comply with [NOV #200336757, remove illegal kitchen [and legalize existing rooms in garage at [rear, install laundry sink, and change kitchen [and bedroom to storage rooms).
[APPLICATION NO. 2003/02/12/7342.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to reduce the penalty to 2 times the regular fee.

SPEAKERS: Representative of DBI indicated consent to action.

(6C) **APPEAL NO. 03-041**

CLAIRE M. BEASLEY, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[925-927 Grove Street.
[Appeal for refund of penalty imposed on [March 13, 2003 for work done without a [permit (on two-unit residential building: [remove existing prohibited kitchen from non-[permitted, unconditioned area of [construction to convert area to [unconditioned permitted construction; range, [refrigerator, and kitchen cabinets to be [removed, and range gas line to be capped [and sealed within wall; voluntary [compliance).
[APPLICATION NO. 2003/03/03/8647.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to reduce the penalty to 2 times the regular fee.

SPEAKERS: Representative of DBI indicated consent to action.

7)

APPEAL NO. 03-039

PATRICIA C. MAJOR, Appellant(s)
vs.

DEPT. OF PUBLIC WORKS, Respondent

[1400 Montgomery Street.
[Appealing the denial on Feb. 27, 2003, of a
[Permit to Remove & Replace One Tree.
[ORDER NO. 173,986.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0 to recuse President Chin. Afterwards, upon motion by Vice President Harrington, the Board voted 2-2-1 (Commissioners Shoemaker & Sugaya dissented, President Chin recused) to overrule the denial and grant the permit. Four votes being required to overturn any departmental action, the motion failed, and the denial of the subject permit was upheld.

SPEAKERS: Tony Wolcott, AUF, DPW BUF, explained why the permit was denied and that this was a very controversial case. He said that basically the tree is too large for its site but that it is one of the few large American elms in the City and is not in imminent danger and so should be allowed to remain with some reduction of its height. Patricia Major, appellant, said her property is closest to the tree and that she and her husband maintained it at their own expense for many years and that fairness and equity require that they be allowed to remove it and replace it with a more suitable type. Public comment for DPW BSM: Paul Scott of Telegraph Hill Dwellers said that if the tree becomes a hazard it can be dealt with at that time but that his group supports retention. Larry Habeggar said the tree shuld be saved because it is by the Grace Marchant Garden, a great asset to the community. Mark Bittner said he studies the flock of wild parrots which need the tree to protect themselves from hawks. Mary Lipian said that removal of the tree will destabilize this steep hill. Marc Bruno said he is Vice President of THD and that the tree is not sick and should be left alone. Sherry Goodman said she wants the tree to remain because it frames a beautiful view. Arthur Chang of THD said property owners enter into a community contract and trees are their responsibility. Scott MacDonald said the tree has social and educational value for children. Millicent Bogert said there is now a pot of money from the neighbors to help maintain the trees. Carolyn Blair of the SF Tree Council urged retention of the tree. Bard Willmore said the area of garden and trees is a magical place. Public comment for the appellant: Jack Wong said that he lives on the south side of the tree and that it rates a 9 on a hazard scale, and that there is no view incentive for him if the tree is removed. Bee Killgore said she has not noticed any birds in the tree. Dave Hurlbert said the tree is not healthy and when he put his hand in the cavity it came out with a handful of maggots but he decided not to bring them to the hearing. Scott King said three arborists' reports say that the tree should be removed, and that the issue of who pays for maintenance is a red herring.

8) **APPEAL NO. 02-201**

JAMES VIEGAS, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[91 San Felipe Ave.
[Protesting the issuance on October 2, 2002, to [Mark Sears & Russell Schrader, Permit to Alter [a Building (on single-family house: additional [information as requested by District Building [Inspector regarding the planters from Building [Permit Application No(s). 2001/12/19/5627; [show as built planter wall (under rear deck and [stair case), correct garage roof deck, finished [floor elevation).
[APPLICATION NO. 2002/10/02/7981.
[PARTIAL TESTIMONY HEARD APRIL 2, 2003.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the appeal to June 4, 2003 and for it to be the first substantive item on the agenda.

SPEAKERS: Mark Sears and Russell Schrader objected to DBI's request to reschedule the appeal to June 11, 2003.

9) **APPEAL NO. 02-237**

TINA WOLLENBERGER
& RAFAEL CALDERON, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[2515-2519 Post Street.
[Protesting the issuance on March 29, 2002, [to Victor Ume-Ukeje, Permit to Alter a [Building (on 3-unit residential building: [renovation of each unit; upgrade of bath, [kitchen; finishes, lighting; no change to [building footprint; new garage.)
[APPLICATION NO. 2002/03/29/2665.
[JURISDICTION GRANTED DEC. 12, 2002.
[PUBLIC HEARING HELD & CLOSED ON [FEB. 26, 2003.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 5-0 to uphold the permit.

SPEAKERS: Tina Wollenberger, appellant, asked for a month's continuance so that her lawyer can be present. She explained that this was a matter of principle with her, and not about money. Steven C. Williams, attorney for permit holder, objected to a continuance and said there were no reasons why the permit should be overruled and that the tenant is no longer in possession. No public comment. Tom Owen, DCA, said that the Board's jurisdiction is limited to permits and that the Rent Board has jurisdiction over landlord-tenant matters.

10) **APPEAL NO. 03-009**

IBRAHIM MALIK,SALWA GHAIM & THOMAS NGAI, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[39 Country Club Drive.
[Protesting the issuance on January 3, 2003, to [David Truong, Site Permit to Alter a Building [(horizontal addition on single-family house).
[APPLICATION NO. 2002/02/25/9908S.
[**NOTE:** BOARD VOTED ON MARCH 19, 2003 [TO UPHOLD PERMIT WITH NO [CONDITIONS. THEN, ON APRIL 23, 2003 [THE BOARD VOTED 5-0 TO GRANT THE [REHEARING REQUESTS BY THE PLANNING [DEPT. & THE APPELLANTS.
[FOR REHEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to uphold the permit with revised plans as submitted at hearing on condition that the bay windows be squared off, and that the north/south directions and elevations be corrected on the plans.

SPEAKERS: Julian Banales, PD, reported on Planning's review of the plans, and said that with minor modifications the plans are approvable. Ibrahim Malik, co-appellant, said that the reviewd plans still have errors and that the bay windows will be the only one on the block. Thomas Ngai, co-appellant, said the plans violate the bay window standards and do not fit the character of the neighborhood, and that the project will still block his light. Thanh Ngo, new owner, said the bay windows do not go to the maximum 2/3 of the width allowed, and that he has worked it out with Planning. Public comment for the appellants: Leslie Zamaripa said there had been no notice for the addition originally, and she had no objection to the original plans because it paralleled the house next door and there were no side windows, and that there was no new notice when the plans were revised and granted. Richard Chan explained his opposition to the project.

11) **APPEAL NO. 03-015**

SANGIACOMO ROSETTA LIVING TRUST, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[3366 Sacramento Street.
[Appealing the denial on Jan. 30, 2003, of [Permit to Alter a Building (on 2-unit [residential/retail building: change of use permit; [provide new sprinkler for 1hr protection and [new ¾ hr property line protection windows).
[APPLICATION NO. 2001/04/25/7697.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the denial and grant the permit with findings as read into the record by President Chin.

SPEAKERS: Julian Banales explained this illegal conversion from residential to commercial use. Mary Murphy, attorney for appellant, explained the history of how her client had tried to get the permit for the conversion but had failed to complete the permit process several times. She said this conversion meets the intent of the Code. No public comment.

(12) **APPEAL NO. V03-024**

ALFRED LEE, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[423 – 35th Avenue.
[Appealing the denial on Feb. 6, 2003, of Rear [Yard & Front Setback Variances (subject [property, a 3-story, 2-family house was built [subsequent to Planning Commission [Discretionary Review Case No(s). [1997.0380D, but in violation of the plans [approved by the Commission, and to an extent [that would require a variance from the [requirements of the Planning Code to allow the [building to remain.)
[VARIANCE CASE NO. 2002.1210V.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-1 (Commissioner Sugaya dissented) to continue the appeal to June 4, 2003 with a site inspection by DBI & Planning, and with the public hearing closed.

SPEAKERS: Julian Banales, PD, said the building has been built beyond the scope of the approved plans and the variance application was required to legalize the encroachment at the front and rear but it was denied for failure to meet the five requirements which must be met under the Code. Chris Moscone, attorney for appellant, said his client admitted he has made a mistake and asked the Board to approve the variance so that the work an proceed; he added that the five requirements for a variance have been met. Public comment for the ZA: Jay Talkoff said the builder had misrepresented the project and that the project has never had a single inspection and seemed designed as a three-unit building and not a two-family as approved. Richard Jow said this matter has been going on for years and it's a case of pre-meditated violations of the Codes; he also questioned the structural integrity of the building since it has never been inspected. No public comment for the appellant. Leo McFadden, SBI DBI, explained the enforcement history of this case and said there is no record of any inspections ever having been made, and also noted that the stop work order for the violations was posted in May 1999.

(13) **APPEAL NO. 03-040**

ELIZABETH FREITAS, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[1915 Diamond Street.
[Appealing the denial on March 13, 2003, of [a Permit to Alter Building (on a single-family [house: correct record to show legal [housekeeping unit, comply with NOV [#200225189, remodel kitchen and bath in [housekeeping unit, and repair exterior rear [stairs).
[APPLICATION NO. 2003/02/19/7803.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 5-0 to reschedule the appeal to June 11, 2003 at the request of the parties.

SPEAKERS: None.

ITEMS (14A), (14B) & (14C) SHALL BE HEARD TOGETHER:

(14A) **APPEAL NO. 03-042**

JOHN LOUGHRAN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[2735 Larkin Street.
[Protesting the issuance on November 15, [2002 (re-noticed March 17, 2003 to extend [appeal period) to Adam Landsdorf, Permit to [Alter a Building (on single-family house: [interior remodel of kitchen, bathrooms; [removal of windows to be replaced with [doors; construction of decks over garage, [roof of basement for structural DWGS, gate [at rear yard easement; see BPA No(s). [2002/10/18/9395; revise to clarify scope).
[APPLICATION NO. 2002/11/15/1602.
[FOR HEARING TODAY.

(14B) **APPEAL NO. 03-049**

MARK W. MIRAVALLE, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[2735 Larkin Street.
[Protesting the issuance on November 15, [2002 (re-noticed March 17, 2003 to extend [appeal period) to Adam Landsdorf, Permit to [Alter a Building (on single-family house: [interior remodel of kitchen, bathrooms; [removal of windows to be replaced with [doors; construction of decks over garage, [roof of basement for structural DWGS, gate [at rear yard easement; see BPA No(s). [2002/10/18/9395; revise to clarify scope).
[APPLICATION NO. 2002/11/15/1602.
[FOR HEARING TODAY.

14C) **APPEAL NO. 03-050**

RICHARD GARVIN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[2735 Larkin Street.
[Protesting the issuance on November 15, [2002 (re-noticed March 17, 2003 to extend [appeal period) to Adam Landsdorf, Permit to [Alter a Building (on single-family house: [interior remodel of kitchen, bathrooms; [removal of windows to be replaced with [doors; construction of decks over garage, [roof of basement for structural DWGS, gate [at rear yard easement; see BPA No(s). [2002/10/18/9395; revise to clarify scope).
[APPLICATION NO. 2002/11/15/1602.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to uphold the permit on condition that there be no right to install the subject deck or stairs unless the parties go to mediation and obtain an appropriate judgment or decree, and on condition that the rolling gate over the easement not be installed without the written consent of Mr. John Loughran.

SPEAKERS: John Garvin, appellant, said he had not been notified of this permit application which will allow a project that will be disruptive to the use of his property. He also read into the record a letter from Mark Miravalle, appellant, which said the two issues are the sliding gate and the petition from all the easement owners who are affected by the gate and the proposed deck over the bedroom. John Loughran, appellant, explained the history of the two permits appealed and the condo ownership of the units and their history. He asked that the sliding door be deleted and that the French doors could be acceptable if the deck were eliminated and a railing was installed across the door opening so that it could only be used as an emergency exit, with no deck below I onto which someone could step down. The deck over the garage is no problem, just the one over his bedroom. David Silverman, attorney for the permit holder, said the appellants have made gross distortions about the project, and that there are no problems with the permits so that this is the wrong forum for this case which is governed by the CC&R's , though his client is willing to remove the rear deck and substitute two steps. Public comment: Kay Black expressed her frustration with the process.

There being no further business President Chin adjourned the meeting at 10:51 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

REGULAR MEETING - WEDNESDAY, MAY 21, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

COMMISSIONERS COMMENTS & QUESTIONS:

DOCUMENTS DEPT.
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SPECIAL ITEM:

ITEM A: Informational presentation by Planning staff on the proposed new demolition policy.

ADDENDUM ITEMS:

ITEM A: 2914-2916 Jackson Street. Letter from John Lauricella, Requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2002/04/26/5107. Permit Holder(s): Wesley Skow. Project: alter existing wood retaining wall, replace existing 8' wood fence along westerly property line with new 7' fence; portion of new fence (approx. 11'3") adjacent to house to have additional 2' lattice privacy screen at top of 7' fence (9' overall height).

Date Permit Issued:	April 26, 2002
Last Day to Appeal:	May 13, 2002
Date Jurisdiction Request Received:	May 1, 2003

ITEM B: 720 Valencia Street. Letter from John Holden, Requestor(s & Permit Holder(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2002/09/09/5921S for the purpose of filing a penalty appeal. Project: new rear stairs and addition.

Date Permit Issued:	April 7, 2003
Last Day to Appeal:	April 22, 2003
Date Jurisdiction Request Received:	May 2, 2003

(4) **ADDENDUM ITEMS (CONTINUED):**

ITEM C: 2815 Diamond Street. Letter from James Estey, Appellant(s), requesting rehearing c Appeal No(s). V03-012, Estey vs. ZA, decided April 23, 2003. At that time, upon motion b Commissioner Shoemaker, the Board voted 4-1 (Vice President Harrington dissented) to uphol the subject variance with Negative Declaration findings read into the record by Commissione Shoemaker.

(5) **APPEAL NO. 02-020**

DAVID ADAMS, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the denial on January 30, 2002, of a
[request to add the appellant's name to taxical
[medallion no(s). 129.
[AT THE REHEARING OF JAN. 15, 2003, THE
[BOARD VOTED 3-2 TO DISMISS THE CASE
[FOR LACK OF SUBJECT MATTEF
[JURISDICTION. PURSUANT TO SUPERIOF
[COURT CASE NO. CPF-03-502454, THE
[AFOREMENTIONED DISMISSAL MUST BE
[VACATED, AND THE APPELLANT MUST BE
[GRANTED A HEARING ON THE MERITS.
[FOR HEARING TODAY.

(6) **APPEAL NO. 03-027**

JOEL HOLLANDER, Appellant(s)
vs.

TAXI COMMISSION, Respondent

[Appealing the revocation on February 3, 2003
[of taxi medallion No(s). 884.
[RESOLUTION NO. 2003-02.
[FOR HEARING TODAY.

(7) **APPEAL NO. 03-044**

JOHN ARKEDER, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the revocation on March 19, 2003, c
[taxicab medallion #1167.
[RESOLUTION NO. 2003-09.
[FOR HEARING TODAY.

(8) **APPEAL NO. 03-048**

WING LONG
HARDWARE SUPPLY, Appellant(s)
vs.
DEPT. OF PUBLIC WORKS, Respondent

[2244 Irving Street.
[Appealing the denial on March 18, 2003, of a
[increase in limits on a Sidewalk Display Permit.
[FOR HEARING TODAY.

9) **APPEAL NO. 02-172**

TOM KATZ, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[1349 Clayton Street.
[Appealing the denial on August 30, 2002, of [Permit to Alter a Building (on 13-unit apartment [building: replace existing steel with vinyl retrofit [– same shape and size; total 20 windows).
[APPLICATION NO. 2002/07/25/2280.
[**NOTE:** BOARD VOTED ON MARCH 19, 2003 [TO UPHOLD THE DENIAL OF THE SUBJECT [PERMIT. THEN, ON APRIL 23, 2003, THE [BOARD VOTED 4-1 TO GRANT THE [REHEARING REQUEST BY THE APPELLANT.
[FOR REHEARING TODAY.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

10A) **APPEAL NO. 02-239**

KENNETH FONG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 11, [2002, to Ronald Wallace, Site Permit to [Erect a Building (3-story, single family [residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

10B) **APPEAL NO. 02-241**

MORRIS & BRENDA ABBOTT, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 11, [2002, to Ronald Wallace, Site Permit to [Erect a Building (3-story, single family [residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

1) **APPEAL NO. 03-013**

DENNIS LOW, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[2776 Mission Street.
[Appealing the denial on Jan. 17, 2003, of [Permit to Alter a Building (abate Notice of [Violation No. 200232430; install front roll up [gate; remove existing wall to replace existing [2'6" door with a new 3'0" door and 4X8 header [with accessible door hardware; the gate is for [security purposes, thus closed grill; retail open [from 9am to 9pm).
[APPLICATION NO. 2002/10/22/9550.
[FOR HEARING TODAY.

(12) **APPEAL NO. 03-045**

LISA HONIG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[322 Rutledge Street.
[Protesting the issuance on March 10, 2003,
[to David Robins & Marge Chambers, Permit
[to Alter a Building (on single-family house:
[add 2 balconies and 1 bay window at rear,
[and exit stair from corner floor to grade,
[reference Variance Case No. 2002.0377).
[APPLICATION NO. 2002/07/22/2050.
[FOR HEARING TODAY.

(13) **APPEAL NO. 03-046**

WAI KEUNG & ALICE YIP, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[200 Salinas Avenue.
[Protesting the issuance on March 17, 2003,
[to Victor & Ruth Pacquing, Permit to Alter a
[Building (on single-family house: rear
[horizontal extension).
[APPLICATION NO. 2002/04/05/3277.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: May 15, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

egarding a calendared item to the Board office. Comments received before noon on the day of the earing will be made a part of the official record and will be brought to the attention of the Board at e public hearing. For complete distribution to all Commissioners of the Board, necessary staff and ase files, submit an original and ten copies.

ursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or evelopment permit, you may be limited to raising only those issues you or someone else raised at e public hearing described in this notice, or in written correspondence delivered to the Board of ppeals at, or prior to, the public hearing.

alendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are aken out of order to accommodate special needs. The Board urges all parties to be present in the earing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public earing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

he ringing of and use of cell phones, pagers and similar sound-producing electronic devices are rohibited at this meeting. Please be advised that the Chair may order the removal from the meeting oom of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar ound-producing electronic devices.

ACCESSIBILITY INFORMATION

merican sign language interpreters and/or sound enhancement system will be available upon equest by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. ndividuals with severe allergies, environmental illness, multiple chemical sensitivity or related isabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order o assist the City's efforts to accommodate such people, attendees at public meetings are reminded hat other attendees may be sensitive to various chemical-based products. Please help the City to ccommodate these individuals. The closest accessible BART station is the Civic Center station ocated at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been esignated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 owntown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines re the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the eople's business. This ordinance assures that deliberations are conducted before the people and hat City operations are open to the people's review.

or more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco dministrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task orce: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett lace, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 21, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, Vice President Kathleen Harrington, Commissioner Hisashi Sugaya, Commissioner Sabrina Saunders, and Commissioner Douglas Shoemaker.

Catharine Barnes, Deputy City Attorney (DCA); Larry Badiner, Zoning Administrator (ZA); Leo McFadden, Senior Building Inspector, DBI (SBI, DBI); Tony Wolcott, Acting Urban Forester, Dept. of Public Works, Bureau of Urban Forestry; Robert Feldman, Executive Secretary and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

DOCUMENTS DEPT.

JUL 11 2003

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COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

SPECIAL ITEM:

ITEM A: Informational presentation by Planning staff on the proposed new Planning Commission demolition policy.

SPEAKERS: Larry Badiner, ZA, made a presentation on new demolition policies by the Planning Commission.

ADDENDUM ITEMS:

ITEM A: 2914-2916 Jackson Street. Letter from John Lauricella, Requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2002/04/26/5107. Permit Holder(s): Wesley Skow. Project: alter existing wood retaining wall, replace existing 8' wood fence along westerly property line with new 7' fence; portion of new fence (approx. 11'3") adjacent to house to have additional 2' lattice privacy screen at top of 7' fence (9' overall height).

Date Permit Issued:	April 26, 2002
Last Day to Appeal:	May 13, 2002
Date Jurisdiction Request Received:	May 1, 2003

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 3-2 (Vice President Harrington & Commissioner Sugaya dissented) to grant the jurisdiction request. Four votes being required to grant such a request, the motion failed, and jurisdiction over the subject permit was denied.

SPEAKERS: John Lauricella, requestor, said he had not been notified of the issuance of the permit, and asked the Board to allow him to file an appeal because the fence is higher than the Code allows and the permit has not been reviewed by Planning. Tracy Edmonson, attorney for the permit holder, said the new fence is both sound and beautiful, and the requestor had been informed of the project several times and still chose not to appeal or request jurisdiction until work was completed and signed off. Leo McFadden, SBI, DBI, said that no DBI notice is required for the issuance of this permit, and explained the Building Code standards for fences in residential areas. Larry Badiner, ZA, explained the Planning Code fence standards and said there are no notices to neighbors for fence permits under the Code. Wesley Skow, permit holder, spoke in opposition to the request and said the fence is within the Code standards, with a clarification of the plans which show the fence dimensions in compliance with Code standards.

ITEM B: 720 Valencia Street. Letter from John Holden, Requestor(s & Permit Holder(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2002/09/09/5921S for the purpose of filing a penalty appeal. Project: new rear stairs and addition.

Date Permit Issued:	April 7, 2003
Last Day to Appeal:	April 22, 2003
Date Jurisdiction Request Received:	May 2, 2003

ACTION: Upon motion by President Chin, the Board voted 5-0 to grant the jurisdiction request.

SPEAKERS: John Holden requested that the Board allow him to file a late penalty appeal.

ITEM C: 2815 Diamond Street. Letter from James Estey, Appellant(s), requesting rehearing of Appeal No(s). V03-012, Estey vs. ZA, decided April 23, 2003. At that time, upon motion by Commissioner Shoemaker, the Board voted 4-1 (Vice President Harrington dissented) to uphold the subject variance with Negative Declaration findings read into the record by Commissioner Shoemaker.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to deny the rehearing request.

SPEAKERS: Jay Estey, appellant, asked the Board to have a rehearing for the reason that the Board's rules had been violated at the original hearing and fairness requires that a rehearing be granted; he also said that the Sierra Club had withdrawn their support of the project. David Prowler, variance holder, objected to the request and said the Sierra Club had not withdrawn its support, and that the requestor has not met the test for justifying a rehearing since no new evidence was being offered, and all the issues had been considered by the Board before it made its decision. Larry Badiner, ZA, said that a rehearing is not justified since all the issues have been considered and no new evidence is being offered.

APPEAL NO. 02-020

DAVID ADAMS, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the denial on January 30, 2002, of a [request to add the appellant's name to taxicab [medallion no(s). 129.
[AT THE REHEARING OF JAN. 15, 2003, THE [BOARD VOTED 3-2 TO DISMISS THE CASE [FOR LACK OF SUBJECT MATTER [JURISDICTION. PURSUANT TO SUPERIOR [COURT CASE NO. CPF-03-502454, THE [AFOREMENTIONED DISMISSAL MUST BE [VACATED, AND THE APPELLANT MUST BE [GRANTED A HEARING ON THE MERITS.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeal to June 25, 2003 at the request of the parties who did not appear.

SPEAKERS: None.

APPEAL NO. 03-027

JOEL HOLLANDER, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the revocation on February 3, 2003, [of taxi medallion No(s). 884.
[RESOLUTION NO. 2003-02.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeal to July 30, 2003 at the request of the parties who did not appear.

SPEAKERS: None.

APPEAL NO. 03-044

JOHN ARKEDER, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the revocation on March 19, 2003, of [taxicab medallion #1167.
[RESOLUTION NO. 2003-09.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeal to July 9, 2003 at the request of the parties who did not appear.

SPEAKERS: None.

3)

APPEAL NO. 03-048

WING LONG HARDWARE SUPPLY, Appellant(s)
vs.
DEPT. OF PUBLIC WORKS, Respondent

[2244 Irving Street.
[Appealing the denial on March 18, 2003, of an [increase in limits on a Sidewalk Display Permit.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 5-0 to overrule the denial by DPW BSM and grant the increase in limits.

SPEAKERS: Julie Chin, agent for appellant, asked the Board to allow her to keep her sidewalk merchandise display which is kept organized and does not block pedestrian traffic. She offered photos of the display. No public comment for either side. Catharine Barnes, DCA, explained the limits in the Board's jurisdiction in this appeal.

3)

APPEAL NO. 02-172

TOM KATZ, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[1349 Clayton Street.
[Appealing the denial on August 30, 2002, of [Permit to Alter a Building (on 13-unit apartment [building: replace existing steel with vinyl retrofit [– same shape and size; total 20 windows).
[APPLICATION NO. 2002/07/25/2280.
[**NOTE:** BOARD VOTED ON MARCH 19, 2003 [TO UPHOLD THE DENIAL OF THE SUBJECT [PERMIT. THEN, ON APRIL 23, 2003, THE [BOARD VOTED 4-1 TO GRANT THE [REHEARING REQUEST BY THE APPELLANT.
[FOR REHEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to uphold the denial of the subject permit.

SPEAKERS: Appellant did not appear.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

10A) **APPEAL NO. 02-239**

KENNETH FONG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 11, [2002, to Ronald Wallace, Site Permit to [Erect a Building (3-story, single family [residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

10B) **APPEAL NO. 02-241**

MORRIS & BRENDA ABBOTT, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[31 Fairmount Street.
[Protesting the issuance on December 11, [2002, to Ronald Wallace, Site Permit to [Erect a Building (3-story, single family [residence, 35' in height).
[APPLICATION NO. 2000/08/07/7174S.
[FOR HEARING TODAY.

ACTION: Both appeals withdrawn by the appellants.

SPEAKERS: None.

11) **APPEAL NO. 03-013**

DENNIS LOW, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. DISAPPROVAL

[2776 Mission Street.
[Appealing the denial on Jan. 17, 2003, of [Permit to Alter a Building (abate Notice of [Violation No. 200232430; install front roll up [gate; remove existing wall to replace existing [2'6" door with a new 3'0" door and 4X8 header [with accessible door hardware; the gate is for [security purposes, thus closed grill; retail open [from 9am to 9pm).
[APPLICATION NO. 2002/10/22/9550.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 2-3 (President Chin, Vice President Harrington and Commissioner Saunders dissented) to uphold the denial of the subject permit. Four votes being required to overturn a departmental action, the motion passes, and the denial was upheld.

SPEAKERS: Larry Badiner, ZA, explained the Code standards for roll-up gates, both open-type and solid as in this case. Dan Sullivan, agent for appellant, said that the Planning Department sometimes has impractical ideas and that this solid gate is justified in this high crime area in the Mission District and he said this is only one of many such gates installed already in the area. No public comment.

2) **APPEAL NO. 03-045**

LISA HONIG, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[322 Rutledge Street.
[Protesting the issuance on March 10, 2003,
[to David Robins & Marge Chambers, Permit
[to Alter a Building (on single-family house:
[add 2 balconies and 1 bay window at rear,
[and exit stair from corner floor to grade,
[reference Variance Case No. 2002.0377).
[APPLICATION NO. 2002/07/22/2050.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to uphold the subject permit.

SPEAKERS: Lisa Honig, appellant, said she thinks it is unfair to her that she must pay a substantial amount to alter her house because of the permit holder's project and she said that this was not a question of money but one of principle. She said there is no likelihood of an agreement being reached because of the four years of contention between the parties. David Robins, permit holder, explained his project and the history of appeals by the appellant. He said he has made offers to the appellant but that they have not been accepted. No public comment.

3) **APPEAL NO. 03-046**

WAI KEUNG & ALICE YIP, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[200 Salinas Avenue.
[Protesting the issuance on March 17, 2003,
[to Victor & Ruth Pacquing, Permit to Alter a
[Building (on single-family house: rear
[horizontal extension).
[APPLICATION NO. 2002/04/05/3277.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 5-0 to uphold the subject permit on condition that the ground floor be reduced by 6 feet, and with a cantilever or open deck to be allowed.

SPEAKERS: Windsor Yip, son of the appellants, said the project will block sunlight into his parent's house and garden, and that his mother needs the yard for gardening for exercise as help for her illness, especially for growing chard which is a great benefit for diabetes. He also said that his sister's privacy is threatened by the project. Ruth Pacquing, permit holder, described the project which she said is necessary for her extended family's needs. She described the location of the house and how this project will not have a serious effect on the appellant's property or life-style. No public comment for the appellant. Public comment for the permit holder: Eleanor Muller said she lives a block away from the site and she feels that the proposed addition will improve the neighborhood and make it more beautiful.

Larry Badiner, ZA, gave a procedural history of the project and said that Section 311 notice had been sent to all neighbors and there were no requests for DR. He said the rear yard meets the Code standard and that a Notice of Special Restrictions has been required to discourage the creation of the illegal units in the building. He said no new permit is required for the revisions being considered by the Board. Edmundo Badua, agent for permit holders, asked about the proposed revisions being required by the Board. Victor Pacquing, co-permit holder, asked for a clarification of the proposed revisions being imposed.

There being no further business President Chin adjourned the meeting at 7:48 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 06-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

= Agenda

REGULAR MEETING - WEDNESDAY, JUNE 4, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

COMMISSIONERS COMMENTS & QUESTIONS:

ADDENDUM ITEMS:

ITEM A: 75 Miraloma Drive. Letter from Candy Tsang, Appellant(s), requesting rehearing of Appeal No(s). 03-038, Tsang vs. DBI, PDA, decided April 30, 2003. At that time, upon motion by Vice President Harrington, the Board voted 2-3 (President Chin, and Commissioners Shoemaker & Sugaya dissented) to uphold the subject permit. Four votes being required to overturn or modify any departmental action, the motion passed, and the subject permit was upheld with no conditions. Permit Holder(s): William Mandel. Project: 3-story single family house, 31' in height, with 880sf of ground floor area.

APPEAL NO. 02-201

JAMES VIEGAS, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[91 San Felipe Ave.
[Protesting the issuance on October 2, 2002, to
[Mark Sears & Russell Schrader, Permit to Alter
[a Building (on single-family house: additional
[information as requested by District Building
[Inspector regarding the planters from Building
[Permit Application No(s). 2001/12/19/5627;
[show as built planter wall (under rear deck and
[stair case), correct garage roof deck, finished
[floor elevation).
[APPLICATION NO. 2002/10/02/7981.
[PARTIAL TESTIMONY HEARD APRIL 2, 2003.
[FOR FURTHER CONSIDERATION TODAY.

DOCUMENTS DEPT.

JUN - 2 2003

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(5) **CONSENT ITEMS (DBI PENALTY):** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(5A) **APPEAL NO. 03-059**

CHIK HUNG KAN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[1540 – 8th Avenue.
[Appealing the imposition of penalty on April
[18, 2003, for work done without a permit (on
[single-family house: addition, 1 story in the
[back to be removed because it was built
[without a permit).
[APPLICATION NO. 2003/03/13/9571.
[FOR HEARING TODAY.

(6) **APPEAL NO. 03-052**

LANDO SIU, Appellant(s)
vs.
TAXI COMMISSION, Respondent

[Appealing the revocation on March 25, 2003,
[of taxicab medallion #1181.
[RESOLUTION NO. 2003-12.
[FOR HEARING TODAY.

(7) **APPEAL NO. 03-019**

LIKE LIU, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[2282 – 28th Avenue.
[Protesting the issuance on November 12, 2002
[to Cheng Lee, Permit to Alter a Building (or
[single-family house: remove illegal unit a
[ground floor, remove non-bearing partitions
[kitchen, toilet and closet; [create new storage).
[APPLICATION NO. 2002/11/12/1225.
[JURISDICTION GRANTED JAN. 22, 2003.
[THE BOARD VOTED 4-0-1 ON APRIL 2, 2003
[TO UPHOLD THE SUBJECT PERMIT DUE TO
[NON-APPEARANCE OF APPELLANT. ON
[APRIL 30, 2003, THE BOARD VOTED 5-0 TO
[GRANT THE APPELLANT'S REHEARING
[REQUEST.
[FOR REHEARING TODAY.

)

APPEAL NO. V03-024

ALFRED LEE, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

[423 – 35th Avenue.
[Appealing the denial on Feb. 6, 2003, of Rear [Yard & Front Setback Variances (subject [property, a 3-story, 2-family house was built [subsequent to Planning Commission [Discretionary Review Case No(s). [1997.0380D, but in violation of the plans [approved by the Commission, and to an extent [that would require a variance from the [requirements of the Planning Code to allow the [building to remain.)
[VARIANCE CASE NO. 2002.1210V.
[PUBLIC HEARING HELD & CLOSED MAY 14, [2003.
[FOR FURTHER CONSIDERATION TODAY, [WITH A SITE INSPECTION REPORT FROM [THE DEPARTMENT OF BUILDING [INSPECTION & PLANNING DEPARTMENT.

)

APPEAL NO. 02-096

RAFAEL MIRANDA, Appellant(s)
vs.
ZONING ADNMISTRATOR, Respondent

[1255 Goettingen Street.
[Appealing a determination dated May 22, 2002, [addressed to Rafael Miranda, that the legal use [of the subject property is a single-family [dwelling because the building was constructed [as a single-family house, because no permit [could be found which authorized the addition of [a second dwelling unit, and because the permit [history indicates the continued use of the [structure as a single-family structure.
[FOR HEARING TODAY.

0)

APPEAL NO. 03-036

CLEAR CHANNEL OUTDOOR, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[3251-3253 Steiner St. / 2205 Lombard St.
[Protesting the issuance on Feb. 24, 2003, to [Margaret Pocoroba, Permit to Erect a Sign [(reinstallation of two 12' X 24' signs as soon as [the existing mixed commercial building is [waterproofed; existing angle and lag at wall to [remain in place during removal and [reinstallation).
[APPLICATION NO. 2003/02/24/8142.
[FOR HEARING TODAY.

(11) **APPEAL NO. 03-053**

ADRIAN & ANNE DOLLARD, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[1812-1816 Green Street.
[Appealing a Request for Suspension dated [March 25, 2003, addressed to Frank Chiu, [Director of the Dept. of Building Inspection, [that Building Permit Application No(s). [2003/01/28/6145 be suspended for the reason [that this permit incorrectly represented the [current legal use of the property as a single [family dwelling when it is in fact a two-family [dwelling, and for the reason that the said [permit is now being used as justification for a [third Building Permit Application [(2002/02/21/8004) which proposes to remove [an illegal kitchen on the 1st floor, which is not [illegal, and said proposal instead constitutes a [dwelling unit merger subject to a mandatory [Discretionary Review process.
[FOR HEARING TODAY.

(12) **APPEAL NO. 03-054**

JERRY S. WILLIAMS, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

[2139 Jackson Street.
[Protesting the issuance on March 26, 2003, to [Carol Levine, Permit to Alter a Building (add [closet at west side, enlarge bathroom at west [side, and replace tile and fixtures in guest [bathroom).
[APPLICATION NO. 2003/03/26/0766
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: May 29, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

egarding a calendared item to the Board office. Comments received before noon on the day of the earing will be made a part of the official record and will be brought to the attention of the Board at ne public hearing. For complete distribution to all Commissioners of the Board, necessary staff and ase files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or evelopment permit, you may be limited to raising only those issues you or someone else raised at ne public hearing described in this notice, or in written correspondence delivered to the Board of ppeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are aken out of order to accommodate special needs. The Board urges all parties to be present in the earing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public earing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are rohibited at this meeting. Please be advised that the Chair may order the removal from the meeting oom of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar ound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon equest by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. ndividuals with severe allergies, environmental illness, multiple chemical sensitivity or related isabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order o assist the City's efforts to accommodate such people, attendees at public meetings are reminded hat other attendees may be sensitive to various chemical-based products. Please help the City to ccommodate these individuals. The closest accessible BART station is the Civic Center station ocated at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been lesignated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines re the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and hat City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 4, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, Vice President Kathleen Harrington, Commissioner Hisashi Sugaya, Commissioner Sabrina Saunders, and Commissioner Douglas Shoemaker.

Catharine Barnes, Deputy City Attorney (DCA); Jonas Ionin, for the Planning Dept. and Zoning Administrator; Laurence Kornfield, Chief Building Inspector, DBI (CBI DBI); Tony Wolcott, Acting Urban Forester, Dept. of Public Works, Bureau of Urban Forestry (AUB BUF); Naomi Little, Executive Director of the Taxi Commission (ED TC); Robert Feldman, Executive Secretary and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

3) **ADDENDUM ITEMS:**

ITEM A: 75 Miraloma Drive. Letter from Candy Tsang, Appellant(s), requesting rehearing of Appeal No(s). 03-038, Tsang vs. DBI, PDA, decided April 30, 2003. At that time, upon motion by Vice President Harrington, the Board voted 2-3 (President Chin, and Commissioners Shoemaker & Sugaya dissented) to uphold the subject permit. Four votes being required to overturn or modify any departmental action, the motion passed, and the subject permit was upheld with no conditions. Permit Holder(s): William Mandel. Project: 3-story single family house, 31' in height, with 880sf of ground floor area.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 1-4 (President Chin, Vice President Harrington, & Commissioners Sugaya and Saunders dissented) to grant the rehearing request. Four votes being required to grant such a request, the motion failed, and the rehearing request was denied.

SPEAKERS: Candy Tsang, appellant, asked the Board to grant a rehearing because the permit holder continues to show disrespect for the neighbors. Michael Slade, appellant, explained the concerns of the neighbors about the project and the height measurement which fail to meet the Code. Chris Moscone, attorney for the permit holder, objected to a rehearing because the

appellants had not offered any new evidence that would justify a rehearing, and he said the height meets the Code, and that the project should go forward. Jonas Ionin, PD, said the height has been properly measured under the Code.

4) **APPEAL NO. 02-201**

JAMES VIEGAS, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[91 San Felipe Ave.
[Protesting the issuance on October 2, 2002, to
[Mark Sears & Russell Schrader, Permit to Alter
[a Building (on single-family house: additional
[information as requested by District Building
[Inspector regarding the planters from Building
[Permit Application No(s). 2001/12/19/5627;
[show as built planter wall (under rear deck and
[stair case), correct garage roof deck, finished
[floor elevation).
[APPLICATION NO. 2002/10/02/7981.
[PARTIAL TESTIMONY HEARD APRIL 2, 2003.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to uphold the permit on condition that DBI review all engineering and structural plans associated with the retaining wall.

SPEAKERS: Laurence Kornfield, CBI DBI, said that his department has sent out a letter to the permit holders for additional materials regarding the engineering of the project and described the potential problems with the changed nature of the wall, and that tie backs may work well to strengthen it but that the new material has not yet been received. Jeremy Paul, agent for appellant, using a Powerpoint presentation, gave an overview of the project and described his client's concerns. Pat Buskovich, agent for appellant, described his view of the soil problems, which may be a hazardous situation for his client. He asked for either revocation of the permit or a continuation of the hearing to ensure that proper engineering is done for the project. Mark Sears, co-permit holder, said he and his partner are victims in this matter and that the project is safe and properly engineered. Russell Schrader, co-permit holder, said they have submitted the documents required by the department. No public comment.

5) **CONSENT ITEMS (DBI PENALTY):** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

5A) **APPEAL NO. 03-059**

CHIK HUNG KAN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[1540 – 8th Avenue.
[Appealing the imposition of penalty on April [18, 2003, for work done without a permit (on [single-family house: addition, 1 story in the [back to be removed because it was built [without a permit).
[APPLICATION NO. 2003/03/13/9571.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to reduce the penalty to 2 times the regular fee.

SPEAKERS: Elaine Kan, daughter of appellant, said the structure is for storage and has no electricity or water and that the family would like to retain it, but that the money is needed because there are 3 children in college so they have decided to demolish it. Laurence Kornfield, CBI DBI, explained the Building Code exemption for small storage sheds but that this situation did not meet that exemption. No public comment.

6) **APPEAL NO. 03-052**

LANDO SIU, Appellant(s)
vs.

TAXI COMMISSION, Respondent

[Appealing the revocation on March 25, 2003, [of taxicab medallion #1181.
[RESOLUTION NO. 2003-12.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker and Sugaya dissented) to overrule the revocation on condition that the subject medallion be suspended for 3 months. Four votes being required to overturn a departmental action, the motion failed, and the revocation was upheld.

SPEAKERS: Naomi Little, ED TC, described the reasons for the revocation, mainly for failure to meet the fulltime driving requirement under Prop. K, and for failure to maintain proper waybills under the Police Code. Lando Siu, appellant, submitted evidence of payment to him for use of the medallion and said the income from the medallion is his only source of funds to take care of his family.

APPEAL NO. 03-019

LIKE LIU, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[2282 – 28th Avenue.
[Protesting the issuance on November 12, 2002,
[to Cheng Lee, Permit to Alter a Building (on
[single-family house: remove illegal unit at
[ground floor, remove non-bearing partitions,
[kitchen, toilet and closet; [create new storage).
[APPLICATION NO. 2002/11/12/1225.
[JURISDICTION GRANTED JAN. 22, 2003.
[THE BOARD VOTED 4-0-1 ON APRIL 2, 2003
[TO UPHOLD THE SUBJECT PERMIT DUE TO
[NON-APPEARANCE OF APPELLANT. ON
[APRIL 30, 2003, THE BOARD VOTED 5-0 TO
[GRANT THE APPELLANT'S REHEARING
[REQUEST.
[FOR REHEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to continue the appeal to the call of the chair with the public hearing closed.

SPEAKERS: Like Liu, appellant, said that the landlord never told him the unit was illegal and that he has paid his rent, and that he feels cheated for the past nine years. Cheng Lee, permit holder, said he has tried to repair all the units and that the tenant signed a document that he would withdraw his petition at the Rent Board in July and that the tenant did know it was an illegal unit and that he is not doing the project as a way of evicting the tenant, but rather because of the DBI which acted on a complaint. Public comment for the appellant: Ming Zhang, friend of the appellant, said that the landlord has been unfair to the tenant who has lived there for nine years. No public comment for the permit holder. Jonas Ionin, PD, explained how the Board could make a finding to allow the unit to stay only if it had been created when the Code would have permitted it. Laurence Kornfield, CBI DBI, said that there seems to be no fire safety hazards involved and that such things as ceiling height discrepancies are not considered hazardous conditions.

8) **APPEAL NO. V03-024**

ALFRED LEE, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[423 – 35th Avenue.
[Appealing the denial on Feb. 6, 2003, of Rear [Yard & Front Setback Variances (subject [property, a 3-story, 2-family house was built [subsequent to Planning Commission [Discretionary Review Case No(s). [1997.0380D, but in violation of the plans [approved by the Commission, and to an extent [that would require a variance from the [requirements of the Planning Code to allow the [building to remain.)
[VARIANCE CASE NO. 2002.1210V.
[PUBLIC HEARING HELD & CLOSED MAY 14, [2003.
[FOR FURTHER CONSIDERATION TODAY, [WITH A SITE INSPECTION REPORT FROM [THE DEPARTMENT OF BUILDING [INSPECTION & PLANNING DEPARTMENT.

ACTION: Upon motion by President Chin, the Board voted 4-1 (Commissioner Sugaya dissented) to overturn the denial and grant the variance with conditions/findings as stated by President Chin.

SPEAKERS: Leo McFadden, SBI DBI, reported on the site visit he and others made on May 21 and that the solutions recommended by the appellant could meet the Building Code but that DBI must still check all the structure, wiring and plumbing before a permit can be approved, which will require significant opening of walls. Geofrey Nelson, PD, said he agreed with the proposal by the appellant, which basically brings the project back to the design originally approved by the Commission. Chris Moscone, attorney for the appellant, presented his revisions and asked the Board to grant the variance. Public comment for the Planning Department: Jay Talkoff said he has not yet received the revisions and had just received a letter from the attorney last night, which is how the appellant usually operates, but that this is the first encouraging thing from the appellant. He asked the Board to see that the appellant adheres to the approved plans this time.

9) **APPEAL NO. 02-096**

RAFAEL MIRANDA, Appellant(s)
vs.
ZONING ADNMISTRATOR, Respondent

[1255 Goettingen Street.
[Appealing a determination dated May 22, 2002, [addressed to Rafael Miranda, that the legal use [of the subject property is a single-family [dwelling because the building was constructed [as a single-family house, because no permit [could be found which authorized the addition of [a second dwelling unit, and because the permit [history indicates the continued use of the [structure as a single-family structure.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the determination with a finding that 1255 Goettingen Street is lot 13, and that 1257 Goettingen Street is lot 12.

SPEAKERS: Jonas Ionin, PD, explained the department's action and that the Code will not permit the legalization of this building as 2 units. Jeremy Paul, agent for appellant, described the existing conditions, which shows that the building was built for 2-family occupancy since it has two original portals, two utility meters and is much larger than the one-family houses around it, and has been assessed as 2-units since 1938. No public comment.

10) **APPEAL NO. 03-036**

CLEAR CHANNEL OUTDOOR, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[3251-3253 Steiner St. / 2205 Lombard St.
[Protesting the issuance on Feb. 24, 2003, to
[Margaret Pocoroba, Permit to Erect a Sign
[(reinstallation of two 12' X 24' signs as soon as
[the existing mixed commercial building is
[waterproofed; existing angle and lag at wall to
[remain in place during removal and
[reinstallation).
[APPLICATION NO. 2003/02/24/8142.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-1 (President Chin dissented) to uphold the subject permit.

SPEAKERS: Jared Eigerman, attorney for appellant, said the signs are non-comforming uses, which cannot be reinstalled under the Code once removed. He said his client removed the signs after negotiations for purchase of them by the owner fell through and the owner required their removal. Brett Gladstone, attorney for the permit holder, said that it took his client 5 months to get the permit because of delay by the department, and that his client is reinstalling these two lawful signs to generate income desperately needed by her elderly mother. Margaret Pocoroba, permit holder, said that she had filed her applications before Prop. G was adopted, and the permit was issued afterword because of the five-month delay by the department. Jonas Ionin, PD, said the appellant had voluntarily abandoned the permits for the signs in February by letter to the ZA, and that the signs were lawful and Code compliant. No public comment for the appellant. Public comment for the permit holder: Mark Fineman said he was present during the negotiations between the appellant's agent and the permit holder and that the agent said the sign would produce very little revenue and tried to wear her down and intimidate her. Don Lawson said he helped the permit holder and that the State has cancelled the appellant's permits which are necessary for signs visible from state highways. Tim Brown said the Pocoroba family needs the income from the signs very much and the revenue from this would be five or six thousand a month, $60,000 to $72,000 a year, and that if the signs were lost the property value would be reduced. Kevin Hicks said he has a small sign business but is not involved with these signs; he said this is a dispute between a big corporation and an 80-year old woman after the appellant has lost the lease, using bullying tactics to get it back. Patricia Vaughey, said she has made an inventory of signs on Lombard Street and she has heard that the big sign companies have been using strong arm tactics regarding sign leases when they should be fair to the owners. Ed Ong, Caltrans, said that when a

sign permit holder loses the consent of the property owner, then the agency informs the permit holder that he/she no longer has a state permit for the billboard.

(11) **APPEAL NO. 03-053**

ADRIAN & ANNE DOLLARD, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

[1812-1816 Green Street.
[Appealing a Request for Suspension dated [March 25, 2003, addressed to Frank Chiu, [Director of the Dept. of Building Inspection, [that Building Permit Application No(s). [2003/01/28/6145 be suspended for the reason [that this permit incorrectly represented the [current legal use of the property as a single [family dwelling when it is in fact a two-family [dwelling, and for the reason that the said [permit is now being used as justification for a [third Building Permit Application [(2002/02/21/8004) which proposes to remove [an illegal kitchen on the 1st floor, which is not [illegal, and said proposal instead constitutes a [dwelling unit merger subject to a mandatory [Discretionary Review process.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the appeal to June 11, 2003.

SPEAKERS: Jeremy Paul said he requests a rescheduling of the appeal so that there will be five members present since he must have at least four votes to prevail.

(12) **APPEAL NO. 03-054**

JERRY S. WILLIAMS, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

[2139 Jackson Street.
[Protesting the issuance on March 26, 2003, to [Carol Levine, Permit to Alter a Building (add [closet at west side, enlarge bathroom at west [side, and replace tile and fixtures in guest [bathroom).
[APPLICATION NO. 2003/03/26/0766
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the appeal to June 25, 2003 with this appeal to be first on the agenda.

SPEAKERS: Jerry Williams said he agrees to a rescheduling of the appeal, and asks that it be early on the calendar.

There being no further business President Chin adjourned the meeting at 9:00 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

REGULAR MEETING - WEDNESDAY, JUNE 11, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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2) **COMMISSIONERS COMMENTS & QUESTIONS:**

3) **ADDENDUM ITEMS:** None.

4) **APPEAL NO. 03-025**

QUERIDA MIA RIVERA, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on February 3, 2003, of taxi medallion No(s). 52. RESOLUTION NO. 2003-05. FOR HEARING TODAY.

5) **APPEAL NO. 03-076**

ALI HZAMI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on May 14, 2003, of Driver of Public Passenger Vehicle Permit No(s). 105810. RESOLUTION NO. 2003-22. FOR HEARING TODAY.

(6) **APPEAL NO. 03-053**

ADRIAN & ANNE DOLLARD, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1812-1816 Green Street. Appealing a Request for Suspension dated March 25, 2003, addressed to Frank Chiu, Director of the Dept. of Building Inspection, that Building Permit Application No(s). 2003/01/28/6145 be suspended for the reason that this permit incorrectly represented the current legal use of the property as a single family dwelling when it is in fact a two family dwelling, and for the reason that the said permit is now being used as justification for a third Building Permit Application (2002/02/21/8004) which proposes to remove an illegal kitchen on the 1st floor, which is not illegal, and said proposal instead constitutes a dwelling unit merger subject to a mandatory Discretionary Review process. FOR HEARING TODAY.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 02-105**

EMPRESS HOTEL LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	111 Mason Street. Appealing a determination dated May 29, 2002 addressed to Andrew Zacks, that the Hotel Bijou at the subject property never abandoned its tourist hotel use for a period of time exceeding three consecutive years, and that the tourist hotel use could have been restored without conditional use (CU) authorization. FOR HEARING TODAY.

(7B) **APPEAL NO. 02-106**

EMPRESS HOTEL LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2-16 Turk Street / 1-25 Mason Street. Appealing a determination dated May 29, 2002 addressed to Andrew Zacks, that the Hotel Metropolis at the subject property never abandoned its tourist hotel use for a period of time exceeding three consecutive years, and that the tourist hotel use could have been restored without conditional use (CU) authorization. FOR HEARING TODAY.

8) **APPEAL NO. 03-040**

ELIZABETH FREITAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1915 Diamond Street. Appealing the denial on March 13, 2003, of a Permit to Alter Building (on a single-family house: correct record to show legal housekeeping unit, comply with NOV #200225189, remodel kitchen and bath in housekeeping unit, and repair exterior rear stairs). APPLICATION NO. 2003/02/19/7803. FOR HEARING TODAY.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

9A) **APPEAL NO. 03-057**

RICHARD PETROCCHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: KENDALL GOH	111 Manchester Street. Appealing the denial on April 14, 2003, of Permit to Demolish a Building (2-story single-family dwelling with 800sf of ground floor area). APPLICATION NO. 2002/04/22/4580. FOR HEARING TODAY.

9B) **APPEAL NO. 03-084**

RICHARD PETROCCHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: KENDALL GOH	111 Manchester Street. Appealing the denial on April 14, 2003, of Site Permit to Erect a Building (3-story single family dwelling with 800sf of ground floor area). APPLICATION NO. 2002/04/22/4585S. FOR HEARING TODAY.

(10) **APPEAL NO. 03-058**

BALUCA INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	316 – 11th Street. Appealing a determination dated April 9, 2003 addressed to Eric Whitaker, that despite the passage of less than 3 years since the closure of "Twenty Tank Brewery" which possessed a Place o Entertainment permit as a legal non-conforming use the Place of Entertainment permit may not be re established because the illegal office use tha followed the brewery's closure constitutes clear inten to abandon the legal non-conforming use (night-time entertainment) under Planning Code § 183. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminar Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Repl 4) Department decision, order, permit, determination, resolution, or Notice of Violation; an 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, fro counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: June 5, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 11, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, Vice President Kathleen Harrington, Commissioner Hisashi Sugaya, Commissioner Sabrina Saunders, and Commissioner Douglas Shoemaker.

Catharine Barnes, Deputy City Attorney (DCA); Lawrence Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, DBI (CBI DBI); Tony Wolcott, Acting Urban Forester, Dept. of Public Works, Bureau of Urban Forestry (AUB BUF); Naomi Little, Executive Director of the Taxi Commission (ED TC); Robert Feldman, Executive Secretary and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:** None.

(4) **APPEAL NO. 03-025**

QUERIDA MIA RIVERA, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on February 3, 2003, of taxi medallion No(s). 52. RESOLUTION NO. 2003-05. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 5-0 to overrule the revocation on condition that the subject medallion be suspended for 2 months.

SPEAKERS: Naomi Little, ED TC, said that the revocation was imposed because the Commission concluded that the appellant committed fraud in falsifying records to cover up the fact that she had not met the full time driving requirement for many years and described the appellant's history of covering up her failure to meet the rules. Robert Moore, attorney for appellant, admitted his client's errors and argued that the rules should not be imposed on his client's situation as a disabled elderly person who served for many years as a driver before becoming disabled.

Public comment for TC: Mark Gruberg for the UTW said that overruling this Commission action would send the wrong message to medallion holders who do not drive but want to keep medallions for their retirement pension for the rest of their life. Rua Graffis said there are 6000 drivers in the industry and only 900 have medallions while there are several thousand on the waiting list for a medallion. She said owner-drivers insure safety to the public and keep up their cabs. Martin Kazinski said that he is a driver and that he's been on the waiting list for 11 years, and that if he's caught without proper waybills he'll receive a $50 citation, while the appellant broke the rules 700 times and the revocation should be upheld. Public comment for the appellant: Brooks Dyer said laws are ephemeral and can be changed and he described how the driving requirements have changed over the years causing an injustice here. Robert Cesana said this is a matter of principle and that there is no provision in Prop. K for medallion holders who get old, tired and sick. Carl Macmurdo said the current process causes hazardous conditions and that the appellant did not forge documents herself, and that she did not know about the law.

(5) **APPEAL NO. 03-076**

ALI HZAMI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on May 14, 2003, of Driver of Public Passenger Vehicle Permit No(s). 105810. RESOLUTION NO. 2003-22. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 5-0 to uphold the revocation.

SPEAKERS: Sgt. Vincent Simpson, Police Dept. Taxi Detail, said the revocation was because of the behavior of the appellant who treated passengers badly more than once which generated many complaints, and that the appellant represented a serious threat to public safety. Ali Hzami, appellant, explained the complaints against him and the incidents, which he said occurred on a bad day for him; he asked for another chance since this is the only way he can make a living for his family. His wife does not work and he cannot find a job. Public comment for appellant: Mohamed Arbi, friend of the appellant, said they are from a small mountain village in Tunisia and that he is sure the problems would not happen again if the Board would give the appellant another chance to drive. No public comment for Taxi Commission.

(6) **APPEAL NO. 03-053**

ADRIAN & ANNE DOLLARD, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1812-1816 Green Street. Appealing a Request for Suspension dated March 25, 2003, addressed to Frank Chiu, Director of the Dept. of Building Inspection, that Building Permit Application No(s). 2003/01/28/6145 be suspended for the reason that this permit incorrectly represented the current legal use of the property as a single family dwelling when it is in fact a two-family dwelling, and for the reason that the said permit is now being used as justification for a third Building Permit Application (2002/02/21/8004) which proposes to remove an illegal kitchen on the 1st floor, which is not illegal, and said proposal instead constitutes a dwelling unit merger subject to a mandatory Discretionary Review process. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 2-3 (President Chin, Vice President Harrington and Commissioner Saunders dissented) to uphold the permit suspension request. Four votes being required to overturn a departmental action, the motion passed and the permit suspension request was upheld.

SPEAKERS: Lawrence Badiner, ZA, described the series of permits for the property back to 1930, which shows that the building is a two-family house. He cited the two addresses on it and the tenancy of Ms. Doran, whose letter is in the file, which describes her tenancy in one of the units since 1973 and her eviction by the appellants. He said the appellants are sophisticated people and are both attorneys. He asked the Board to uphold the permit suspension request, which would lead to a DR hearing under the Commission's guidelines requiring mandatory DR for unit mergers. Jeremy Paul, agent for appellants, said the detrimental reliance argument applied in his case since his clients relied on the 3R report, which describes the lawful use as single-family, and that no prior permits made the house a lawful two-family house. He said the building has been a lawful one-family house since it was constructed. Public comment for appellants: Paul Friedman said the appellants bought the house with the intention of using it as a one-family house, and that they relied on the City document; he also said the former tenant's accusations were false. Adrian Dollard, co-appellant, described his efforts to placate the former tenant and asked the Board to allow the use as single-family.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 02-105**

EMPRESS HOTEL LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	111 Mason Street. Appealing a determination dated May 29, 2002, addressed to Andrew Zacks, that the Hotel Bijou at the subject property never abandoned its tourist hotel use for a period of time exceeding three consecutive years, and that the tourist hotel use could have been restored without conditional use (CU) authorization. FOR HEARING TODAY.

(7B) **APPEAL NO. 02-106**

EMPRESS HOTEL LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2-16 Turk Street / 1-25 Mason Street. Appealing a determination dated May 29, 2002, addressed to Andrew Zacks, that the Hotel Metropolis at the subject property never abandoned its tourist hotel use for a period of time exceeding three consecutive years, and that the tourist hotel use could have been restored without conditional use (CU) authorization. FOR HEARING TODAY.

ACTION: Both appeals withdrawn by the appellant prior to meeting.

SPEAKERS: None.

(8) **APPEAL NO. 03-040**

ELIZABETH FREITAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1915 Diamond Street. Appealing the denial on March 13, 2003, of a Permit to Alter Building (on a single-family house: correct record to show legal housekeeping unit, comply with NOV #200225189, remodel kitchen and bath in housekeeping unit, and repair exterior rear stairs). APPLICATION NO. 2003/02/19/7803. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the denial and grant the permit on condition that the housekeeping unit meet the Building Code.

SPEAKERS: Jeremy Paul, agent for appellant, said this is a case of detrimental reliance since his client relied on the 3R report, and he read into the record the caveat at the top of the 3R form regarding the lawful use of the property. Lawrence Badiner, ZA, said that a housekeeping unit is considered to be a dwelling unit under the Planning Code. No public comment.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 03-057**

RICHARD PETROCCHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: KENDALL GOH	111 Manchester Street. Appealing the denial on April 14, 2003, of Permit to Demolish a Building (2-story single-family dwelling with 800sf of ground floor area). APPLICATION NO. 2002/04/22/4580. FOR HEARING TODAY.

(9B) **APPEAL NO. 03-084**

RICHARD PETROCCHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: KENDALL GOH	111 Manchester Street. Appealing the denial on April 14, 2003, of Site Permit to Erect a Building (3-story single family dwelling with 800sf of ground floor area). APPLICATION NO. 2002/04/22/4585S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-1 (Commissioner Sugaya dissented) to overrule the denials and grant the permits with the revised plans dated May 16, 2003.

SPEAKERS: Lawrence Badiner, ZA, explained the action of the Planning Commission in denying the two permits and the role of the neighbors in the matter, who think the proposed house is too large and should have the 4th level deleted and the whole house shifted four feet to the front of the lot. Stephen Antonaros, agent for appellant, described his efforts to meet the concerns of the Commission and the neighbors in the revised plans submitted to the Board. Lulu Petrocchi, wife of appellant, expressed her frustration at the actions of the neighbors who criticized her efforts to revise the plans to meet their concerns. She described how the house came to be deteriorated over many years as a rental. Kendall Goh, § 14 party, asked the Board to uphold the denial of both permits because the proposed house will be too tall and deep for this area of Bernal Heights, which is characterized by smaller houses. No public comment for appellant. Public comment for the Planning Commission: Ginger Rhea said she strongly opposes the demolition of the old Victorian, which has been allowed to deteriorate by the owners. Dennis Davenport described how he had rehabilitated his own house, obtaining a variance to add on to it. He read Mrs. Shubert's

testimony to the Board since she had to leave the meeting. Roif Kvalvik stood with Ginger Rhea who read his statement to the Board.

Richard Petrocchi, appellant, said he is a former City employee, that he is not as wealthy as the neighbors say he is, and that he intended to build an appropriate new building compatible with the area. He said that to remodel the old house would cost almost as much as building a new one. Laurence Kornfield, CBI DBI, explained the Code provisions regarding counting of stories and the requirements for them.

(10) **APPEAL NO. 03-058**

BALUCA INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	316 – 11th Street. Appealing a determination dated April 9, 2003, addressed to Eric Whitaker, that despite the passage of less than 3 years since the closure of "Twenty Tank Brewery" which possessed a Place of Entertainment permit as a legal non-conforming use, the Place of Entertainment permit may not be re-established because the illegal office use that followed the brewery's closure constitutes clear intent to abandon the legal non-conforming use (night-time entertainment) under Planning Code § 183. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 5-0 to overrule the subject determination with findings as read into the record by Vice President Harrington.

SPEAKERS: Larry Badiner, ZA, explained his determination and the process that Planning used to reach its conclusions as to the use of the property. Eric Whitaker, attorney for appellant, described the business his client proposed for the building, and explained how the previous use showed the owner ha dnot abandoned the place of entertainment use, which should be allowed to his client. Public comment for appellant: Jeremy Paul explained that places of entertainment need help in order to survive. No public comment for the ZA.

There being no further business President Chin adjourned the meeting at 9:34 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 25, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

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(3) **ADDENDUM ITEMS:**

(3A) **REHEARING REQUEST:** 2750 Lake Street
Appeal No(s). 03-010
Ma vs. Zoning Administrator

Letter from Sue Hestor, attorney for Appellant Michael Ma, requesting a rehearing of Appeal No(s). 03-010, decided May 14, 2003. At that time, upon motion by Commissioner Shoemaker, the Board voted 2-3 (President Chin, Vice President Harrington & Commissioner Saunders dissented) to overrule the subject determination with a finding that the front of the house is on Lake Street. Four votes being required to overturn or modify any departmental action under Charter § 4.106, the motion failed and the subject determination was upheld. Determination: that the proposal to construct a 2nd story above the existing garage on this detached single family house, if either street frontage was to be elected as the front lot line, that portions of the existing building would occur within the required rear yard, and thus be non-conforming; therefore, electing a front line parallel to 29th Avenue would allow for the proposal to comply with Planning Code §§ 172(b) & 173(b). Subject Property Owner(s): Roger Reynolds.

(3B) **JURISDICTION REQUEST**
TO ALLOW LATE FILING OF APPEAL: 1349 Clayton Street
Permit Denied on August 30, 2002
Last Day to Appeal was Sept. 14, 2002
Jurisdiction Request Received June 2, 2003

Letter from Tom Katz, requestor(s), asking that the Board take jurisdiction over the denial of Building Permit Application No(s). 2002/07/25/2280. Project: 13-unit apartment building; replace existing steel with vinyl retrofit – same shape and size; total 20 windows.
NOTE: THE REQUESTOR FILED AN APPEAL ON SEPT. 4, 2003 (02-172), AND THE BOARD HELD A HEARING ON MARCH 19, 2003 AND VOTED TO UPHOLD THE DENIAL OF THE SUBJECT PERMIT. ON APRIL 23, 2003, THE BOARD VOTED 4-1 TO GRANT A REHEARING. AND AT THE REHEARING OF MAY 21, 2003, THE REQUESTOR WAS NOT PRESENT, AND THE BOARD VOTED 5-0 TO UPHOLD THE DENIAL OF THE SUBJECT PERMIT.

(4) **APPEAL NO. 03-054**

JERRY S. WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2139 Jackson Street. Protesting the issuance on March 26, 2003, to Carol Levine, Permit to Alter a Building (add closet at west side, enlarge bathroom at west side, and replace tile and fixtures in guest bathroom). APPLICATION NO. 2003/03/26/0766 FOR HEARING TODAY.

(5) **APPEAL NO. 02-205**

CODY ROBERTSON dba "LINGBA LOUNGE", Appellant(s) vs. POLICE DEPT., Respondent	1469 - 18th Street. Appealing the denial on October 7, 2002, of Place of Entertainment Permit. PUBLIC TESTIMONY HEARD JAN. 29, 2003. FOR FURTHER CONSIDERATION TODAY.

(6) **CONSENT ITEMS (DBI PENALTY):**

With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(6A) **APPEAL NO. 03-065**

ELISA INING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4026 – 24th Street. Appeal for refund of penalty imposed on May, 8, 2003 for work done without a permit (on two-family residential/commercial building: replace siding, install awnings above wood stairs in interior courtyard, and replace two windows). APPLICATION NO. 2002/09/05/5768. FOR HEARING TODAY.

(7) **APPEAL NO. 02-020**

DAVID ADAMS, Appellant(s) vs. TAXICAB COMMISSION, Respondent	Appealing the denial on January 30, 2002, of a request to add the appellant's name to taxicab medallion no(s). 129. NOTE: AT THE REHEARING OF JAN. 15, 2003, THE BOARD VOTED 3-2 TO DISMISS THE CASE FOR LACK OF SUBJECT MATTER JURISDICTION. PURSUANT TO SUPERIOR COURT CASE NO. CPF-03-502454, THE DISMISSAL MUST BE VACATED, AND THE APPELLANT MUST BE GRANTED A HEARING ON THE MERITS. FOR HEARING TODAY.

(8) **APPEAL NO. 03-026**

MARK HOLLANDER, Appellant(s) vs. TAXICAB COMMISSION, Respondent	Appealing the revocation on February 3, 2003, of taxi medallion No(s). 881. RESOLUTION NO. 2003-03. FOR HEARING TODAY.

(9) **APPEAL NO. 03-047**

TOM KARAS dba "22nd & IRVING PRODUCE", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	2101 Irving Street. Appealing the denial on March 18, 2003, of an increase in limits on a Sidewalk Display Permit. FOR HEARING TODAY.

(10) **APPEAL NO. 01-115**

THERESA ISSERMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	700 Vermont Street. Protesting issuance on June 20, 2001, to Raymond & Hazel Guaraglia, Permit to Alter a Building (demolish existing non-compliant residential units per Notice of Violation No. 200114983; remove all utilities to ground level; convert to original commercial space with no structural work to be done). APPLICATION NO. 2001/06/20/1935. PUBLIC TESTIMONY HEARD JUNE 19, 2002. FOR FURTHER CONSIDERATION TODAY.

(11) **APPEAL NO. V03-063**

ANNIE LI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	698 Paris Street. Appealing the denial on April 22, 2003, of a Minimum Lot Area Variance (subdivide an existing 3,087sf corner lot into two lots, one with 1,375sf fronting on Italy Street, and one with 1,750sf fronting on Paris Street). VARIANCE CASE NO. 2002.0593V. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: 6/19/03

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

5/03

MEETING MINUTES - WEDNESDAY, JUNE 25, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, Vice President Kathleen Harrington, Commissioner Hisashi Sugaya, Commissioner Sabrina Saunders, and Commissioner Douglas Shoemaker.

Catharine Barnes, Deputy City Attorney (DCA); Julian Banales, for the Planning Dept. (PD) & the Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (CBI DBI); Seth Todd Huntington for the Dept. of Public Works, Bureau of Street Use & Mapping (DPW BSM); Naomi Little, Executive Director of the Taxi Commission (ED TC); Sgt. William Coggan for the Police Dept. Legal Division (PD LD); Robert Feldman, Executive Secretary and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Carl Macmurdo reported on recent Taxi Commission actions, and his thoughts on the Board's Rivera decision. Robert Cessana explained his views on Taxi Commission issues. Ann McVeigh explained her views on the driving requirement for post Prop K medallions. Mark Gruberg, UTW, explained his views on the Rivera decision and how the City policy of Prop K is being disregarded, and how it will probably change. Ron Wolter described the purpose of Prop K. Dan Heinz explained that medallion holders are an aging group and Prop K does not account for the aging process and disabled medallion holders. Barry Taranto, UTW, said he is upset with the Board's decision in the Rivera case. Rua Graffis explained how taxi drivers are suffering now.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADDENDUM ITEMS:**

(3A) **REHEARING REQUEST:** 2750 Lake Street
Appeal No(s). 03-010
Ma vs. Zoning Administrator

Letter from Sue Hestor, attorney for Appellant Michael Ma, requesting a rehearing of Appeal No(s). 03-010, decided May 14, 2003. At that time, upon motion by Commissioner Shoemaker, the Board voted 2-3 (President Chin, Vice President Harrington & Commissioner Saunders dissented) to overrule the subject determination with a finding that the front of the house is on Lake Street. Four votes being required to overturn or modify any departmental action under Charter § 4.106, the motion failed and the subject determination was upheld. Determination: that the proposal to construct a 2nd story above the existing garage on this detached single family house, if either street frontage was to be elected as the front lot line, that portions of the existing building would occur within the required rear yard, and thus be non-conforming; therefore, electing a front line parallel to 29th Avenue would allow for the proposal to comply with Planning Code §§ 172(b) & 173(b). Subject Property Owner(s): Roger Reynolds.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 3-2 (President Chin & Vice President Harrington dissented) to grant the rehearing request. Four votes being required to grant such a request, the motion failed, and a rehearing was denied.

SPEAKERS: Sue Hestor, attorney for appellant, asked the Board to grant a rehearing and explained her difficulties in trying to obtain the plans for the project and said the former owner had elected the frontage and it should not be changed now. Julian Banales, PD, said the corner lot is unique and explained the Department's position. Roger Reynolds, subject property owner, urged the Board not to grant a rehearing because no new evidence was being offered that would justify one.

(3B) **JURISDICTION REQUEST**
TO ALLOW LATE FILING OF APPEAL: 1349 Clayton Street
Permit Denied on August 30, 2002
Last Day to Appeal was Sept. 14, 2002
Jurisdiction Request Received June 2, 2003

Letter from Tom Katz, requestor(s), asking that the Board take jurisdiction over the denial of Building Permit Application No(s). 2002/07/25/2280. Project: 13-unit apartment building; replace existing steel with vinyl retrofit – same shape and size; total 20 windows.
NOTE: THE REQUESTOR FILED AN APPEAL ON SEPT. 4, 2002 (02-172), AND THE BOARD HELD A HEARING ON MARCH 19, 2003 AND VOTED TO UPHOLD THE DENIAL OF THE SUBJECT PERMIT. ON APRIL 23, 2003, THE BOARD VOTED 4-1 TO GRANT A REHEARING. AND AT THE REHEARING OF MAY 21, 2003, THE REQUESTOR WAS NOT PRESENT, AND THE BOARD VOTED 5-0 TO UPHOLD THE DENIAL OF THE SUBJECT PERMIT.

ACTION: Upon motion by President Chin, the Board voted 4-1 (Commissioner Sugaya dissented) to rescind the motion of May 21, 2003 upholding the denial of the subject permit in Appeal 02-172, and to reschedule the rehearing for July 9, 2003 , and for letter notices to go out as well.

SPEAKERS: Tom Katz, requestor, asked the Board to allow him another rehearing because he had not received notice of the rehearing and so had not attended the rehearing. Ron Kane, subject property owner, said he had not gotten written notice of the rehearing either and supported Mr. Katz's request. Catharine Barnes, DCA, advised the Board on this matter and said this involved an estoppel issue.

(4) **APPEAL NO. 03-054**

JERRY S. WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2139 Jackson Street. Protesting the issuance on March 26, 2003, to Carol Levine, Permit to Alter a Building (add closet at west side, enlarge bathroom at west side, and replace tile and fixtures in guest bathroom). APPLICATION NO. 2003/03/26/0766 FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to uphold the subject permit.

SPEAKERS: Jerry Williams, appellant, said he opposes the project for several reasons, and that it could affect the structural integrity of the building. David Silverman, attorney for permit holder, described the proposal, which he said is a minor addition that adds very few square feet to allow for a tub and that the appellant has a similar addition in his unit. No public comment for appellant. Public comment for permit holder: Arthur Roth expressed support for the project. Laurence Kornfield, CBI DBI, described the proposal as a minor addition, not large enough to trigger seismic requirements.

(5) **APPEAL NO. 02-205**

CODY ROBERTSON dba "LINGBA LOUNGE", Appellant(s) vs. POLICE DEPT., Respondent	1469 - 18th Street. Appealing the denial on October 7, 2002, of Place of Entertainment Permit. PUBLIC TESTIMONY HEARD JAN. 29, 2003. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to overrule the denial and grant the permit with adoption of the conditions imposed by the Planning Commission per the DR hearing, and with further modifications: a) that the hours of operation for place of entertainment run until 10:30pm from Sundays to Wednesdays and on holidays; b) that the hours of operation for place of entertainment run until 1:00am on Thursdays, Fridays and Saturdays; c) that security personnel remain on premises until closing anytime there is a DJ or other live

entertainment; and d) that security personnel be required to monitor the outside area adjacent to the subject property.

SPEAKERS: Sgt. William Coggan, Police Dept., said the Department leaves the decision to the Board and the community now that Planning has approved the referral from the Police Dept. Julian Banales, PD, described the DR hearing and the decision of the Commission and the Department approval. Mark Rennie, attorney for appellant, described the DR hearing and said his client has agreed to the conditions proposed and cited the Board's Butter decision, which he said supports his case. Public comment for the Police Dept.: Tony Kelly of the Potrero Boosters explained his position on the proposed conditions. Dick Millet, Potrero Boosters, explained his support of the denial of the permit. Public comment for the appellant: Irving Zaretsky urged approval of the permit and said similar clubs have no limits on their hours of operation. Thanya Suwansawad said it was her bar for ten years and she helps the appellant to improve it. Neil Schofield, friend of the appellant, said it is a very mellow place, which is fighting to survive.

(6) **CONSENT ITEMS (DBI PENALTY):**

With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(6A) **APPEAL NO. 03-065**

ELISA INING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4026 – 24th Street. Appeal for refund of penalty imposed on May, 8, 2003 for work done without a permit (on two-family residential/commercial building: replace siding, install awnings above wood stairs in interior courtyard, and replace two windows). APPLICATION NO. 2002/09/05/5768. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reduce the penalty to 2 times the regular fee.

SPEAKERS: Laurence Kornfield, CBI DBI, explained that this appeal is part of a matter at the Access Appeals Commission.

(7) **APPEAL NO. 02-020**

DAVID ADAMS, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the denial on January 30, 2002, of a request to add the appellant's name to taxicab medallion no(s). 129. NOTE: AT THE REHEARING OF JAN. 15, 2003, THE BOARD VOTED 3-2 TO DISMISS THE CASE FOR LACK OF SUBJECT MATTER JURISDICTION. PURSUANT TO SUPERIOR COURT CASE NO. CPF-03-502454, THE DISMISSAL MUST BE VACATED, AND THE APPELLANT MUST BE GRANTED A HEARING ON THE MERITS. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the Taxi Commission and add the appellant's name to the subject medallion. Four votes being required to overturn a departmental action, the motion failed, and the Taxi Commission's action was upheld.

SPEAKERS: Naomi Little, ED TC, explained that there are no exceptions to the driving requirement in Prop K and said that we cannot know what happened 25 years ago. John Feldmann, attorney for appellant, said this case is not a request for a transfer of a medallion, but rather a request to add a name to a medallion and that Prop K is irrelevant here. Public comment for the Taxi Commission: Mark Gruberg directed the Board to the City Attorney's memo in the file, which he feels supports his case against the appellant. Ron Wolter said this is a case of an unlawful transfer of a medallion and not the correction of a clerical error made 25 years ago. Rua Graffis explained how a medallion reverts to the City upon the death of the holder so that it can be issued to the next person on the waiting list. Public comment for the appellant: James Nakamura explained how much income is generated by a medallion, and how much a driver earns.

(8) **APPEAL NO. 03-026**

MARK HOLLANDER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on February 3, 2003, of taxi medallion No(s). 881. RESOLUTION NO. 2003-03. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to overrule the revocation and instead impose a 4 month suspension with the appellant to contact the Taxi Commission concerning ADA accommodations after the suspension period.

SPEAKERS: Naomi Little, ED TC, said the case was egregious because of the alleged fraud by the appellant. Robert Moore, attorney for appellant, said his client is completely disabled now and did what he had to do to support his family. Public comment for the Taxi Commission: Barry Taranto, UTW, said that fraud is a crime not justified by the appellant's need for money. Ron Wolter said the appellant had lied for 6 years and now wants to retain the medallion as a pension for the rest of his life. Rua Graffis explained his Prop K driving requirement. Mark Gruberg, UTW,

said that if the Board would not uphold the revocation that at least they should impose a one year suspension and that a two-month suspension is not enough. Public comment for the appellant: Dan Hines, General Manager of National Cab, said drivers are an aging population and they tend to have accidents the older they get so that it is poor policy to impose a driving requirement on them. Carl Macmurdo said that this is like the Rivera case and that the medallion cannot be revoked because the medallion holder is disabled. James Nakamura described the negative aspect of driving a cab and said the medallion holders are needed to stabilize the industry.

Catharine Barnes, DCA, advised the Board as to what they can do.

(9) **APPEAL NO. 03-047**

TOM KARAS dba "22nd & IRVING PRODUCE", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	2101 Irving Street. Appealing the denial on March 18, 2003, of an increase in limits on a Sidewalk Display Permit. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to overrule the denial, and grant the increase in limits with findings read into the record by Commissioner Sugaya.

SPEAKERS: Seth Todd Huntington, DPW BSM, explained the Code requirements for merchandise displays on the sidewalk and how the appellant's application fails to meet Code standards. Jim Bozionelos, agent for appellant, said that this display has been used for 23 years and that it causes no problems on this 15-foot wide sidewalk. No public comment.

(10) **APPEAL NO. 01-115**

THERESA ISSERMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	700 Vermont Street. Protesting issuance on June 20, 2001, to Raymond & Hazel Guaraglia, Permit to Alter a Building (demolish existing non-compliant residential units per Notice of Violation No. 200114983; remove all utilities to ground level; convert to original commercial space with no structural work to be done). APPLICATION NO. 2001/06/20/1935. PUBLIC TESTIMONY HEARD JUNE 19, 2002. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeal to Sept. 24, 2003 at the written request of the parties, who did not appear at the hearing.

SPEAKERS: None.

(11) **APPEAL NO. V03-063**

ANNIE LI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	698 Paris Street. Appealing the denial on April 22, 2003, of a Minimum Lot Area Variance (subdivide an existing 3,087sf corner lot into two lots, one with 1,375sf fronting on Italy Street, and one with 1,750sf fronting on Paris Street). VARIANCE CASE NO. 2002.0593V. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to overrule the denial and grant the variance with the following corrections: a) the existing 3,000 square foot lot shall be split into a 1,250 square foot lot fronting on Italy Street, and a 1,750 square foot lot fronting on Paris Street, and with findings to be prepared by the appellant's agent.

SPEAKERS: Julian Banales, PD, said the denial was because the project is not compatible with the neighborhood, and the granting of this variance would be tantamount to a rezoning. Jeremy Paul, agent for appellant, said the five requirements for the granting of a variance have been met and described how this lot is not like other lots. No public comment.

There being no further business President Chin adjourned the meeting at 10:08 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 9, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3A) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** 1059-1061 Market Street
Permits Suspended on May 12, 2003
Last Day to Appeal was May 27, 2003
Jurisdiction Request Received June 13, 2003

Letter from Joel Yodowitz, Attorney for Tammy Ho, Requestor(s), asking that the Board take jurisdiction over the suspension of Building Permit Application No(s). 2000/05/15/0050, 2001/09/25/9156, 2001/09/26/9258, 2001/12/18/5501, 2002/02/26/0121, 2002/02/26/0114, 2002/05/14/6517, 2002/07/11/1182, 2002/08/08/3541, 2002/08/16/4177, 2002/10/18/9329, & 2002/10/18/9328. Reason(s) for suspension: the Planning Department believes that these permits were issued in error because they were not routed to the Planning Department for review and a required public hearing in violation of Planning Code § 321.

DOCUMENTS DEPT.

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(3B) **REHEARING REQUEST:** 3251-3253 Steiner St. / 2205 Lombard St.
Appeal No(s). 03-036
Clear Channel vs. DBI, PDA

Letter from Jared Eigerman, attorney for Clear Channel, Appellant(s), requesting rehearing of Appeal No(s). 03-036, decided June 4, 2003. At that time, upon motion by Vice President Harrington, the Board voted 4-1 (President Chin dissented) to uphold the subject permit. Project: reinstallation of two 12' X 24' signs as soon as the existing mixed commercial building is waterproofed; existing angle and lag at wall to remain in place during removal and reinstallation. Permit Holder(s): Margaret Pocoroba.

(3C) **ADOPTION OF FINDINGS:** 3251-3253 Steiner St. / 2205 Lombard St.
Appeal No(s). 03-036
Clear Channel vs. DBI, PDA

Proposed findings submitted by Brett Gladstone, attorney for Margaret Pocoroba, Permit Holder(s). For discussion and adoption if the rehearing request (Item 3B) is denied by the Board.

(3D) **REHEARING REQUEST:** 1812 Green Street
Appeal No(s). 03-053
Dollard vs. Zoning Administrator

Letter from Jeremy Paul, Agent for Adrian & Anne Dollard, Appellant(s), requesting rehearing of Appeal No(s). 03-053, decided June 11, 2003. At that time, upon motion by Commissioner Sugaya, the Board voted 2-3 (President Chin, Vice President Harrington, & Commissioner Saunders dissented) to uphold the subject Permit Suspension Request by the Zoning Administrator. Four votes being required to overturn any departmental action, the motion passed, and the ZA's Permit Suspension Request was upheld. Reason(s) for Suspension: the subject permit (BPA No. 2003/01/28/6145) incorrectly represented the current legal use of the property as a single family dwelling when it is a two-family dwelling, and for the reason that the permit is now being used as justification for a third permit (BPA No. 2002/02/21/8004) which proposes to remove an illegal kitchen on the 1st floor, which is not illegal, and the proposal constitutes a dwelling unit merger subject to the mandatory Discretionary Review process.

(4) **CONSENT ITEMS (DBI PENALTY):**

With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) **APPEAL NO. 03-069**

WILLIAM GILMORE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	628-632 Laguna Street. Appeal for refund of penalty imposed on May 7, 2003, for work done without a permit (remove two illegal dwelling units per NOV #200337377 resulting in a legal 3-unit apartment building). APPLICATION NO. 2003/03/25/0611. FOR HEARING TODAY.

(5) **APPEAL NO. 02-172**

TOM KATZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1349 Clayton Street. Appealing the denial on August 30, 2002, of Permit to Alter a Building (on 13-unit apartment building: replace existing steel with vinyl retrofit – same shape and size; total 20 windows). APPLICATION NO. 2002/07/25/2280. **NOTE:** THE BOARD HELD A HEARING ON MARCH 19, 2003 AND VOTED TO UPHOLD THE DENIAL OF THE SUBJECT PERMIT. ON APRIL 23, 2003, THE BOARD VOTED 4-1 TO GRANT A REHEARING. AND AT THE REHEARING OF MAY 21, 2003, THE APPELLANT WAS NOT PRESENT, AND THE BOARD VOTED 5-0 TO UPHOLD THE DENIAL OF THE SUBJECT PERMIT. AND AT THE JURISDICTION REQUEST OF JUNE 25, 2003, THE BOARD VOTED 4-1 TO RESCIND THE MOTION OF MAY 21, 2003 UPHOLDING THE DENIAL OF THE SUBJECT PERMIT, AND TO RESCHEDULE A REHEARING FOR JULY 9, 2003 WITH LETTER NOTICES TO BE SENT OUT. FOR REHEARING TODAY.

(6) **APPEAL NO. 03-044**

JOHN ARKEDER, Appellant(s) vs. TAXI COMMISSION, Respondent RESCHEDULED TO 9/24/03	Appealing the revocation on March 19, 2003, of taxicab medallion No. 1167. RESOLUTION NO. 2003-09. FOR HEARING TODAY.

(7) **APPEAL NO. 03-068**

JAMES NEILLY, Appellant(s) vs. TAXI COMMISSION, Respondent RESCHEDULED TO 9/24/03	Appealing the revocation on April 23, 2003, of medallion No. 897. RESOLUTION NO. 2003-26. FOR HEARING TODAY.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 03-071**

JANET CODOR & CHARLES HOFFMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	330 – 25th Avenue. Protesting the issuance on May 12, 2003, to Michael Chan, Permit to Demolish a Building (two-story single family house with 1400sf of ground floor area). APPLICATION NO. 2000/04/05/6501 FOR HEARING TODAY.

(8B) **APPEAL NO. 03-072**

JANET CODOR & CHARLES HOFFMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	330 – 25th Avenue. Protesting the issuance on May 12, 2003, to Michael Chan, Site Permit to Erect a Building (three-story, two-unit condominium building with 2060sf of ground floor area). APPLICATION NO. 2000/04/05/6504S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda. **Date posted: 7/2/03**

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

egarding a calendared item to the Board office. Comments received before noon on the day of the earing will be made a part of the official record and will be brought to the attention of the Board at ne public hearing. For complete distribution to all Commissioners of the Board, necessary staff and ase files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or evelopment permit, you may be limited to raising only those issues you or someone else raised at ne public hearing described in this notice, or in written correspondence delivered to the Board of ppeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are aken out of order to accommodate special needs. The Board urges all parties to be present in the earing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public earing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are rohibited at this meeting. Please be advised that the Chair may order the removal from the meeting oom of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar ound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon equest by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. ndividuals with severe allergies, environmental illness, multiple chemical sensitivity or related isabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order o assist the City's efforts to accommodate such people, attendees at public meetings are reminded hat other attendees may be sensitive to various chemical-based products. Please help the City to ccommodate these individuals. The closest accessible BART station is the Civic Center station ocated at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been esignated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines re the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the eople's business. This ordinance assures that deliberations are conducted before the people and hat City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 9, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, Vice President Kathleen Harrington, Commissioner Hisashi Sugaya, Commissioner Sabrina Saunders, and Commissioner Douglas Shoemaker.

Catharine Barnes, Deputy City Attorney (DCA); Jonas Ionin, for the Planning Dept. (PD) & the Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (CBI DBI); Naomi Little, Executive Director of the Taxi Commission (ED TC); Robert Feldman, Executive Secretary and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Mark Gruberg of the UTW urged the Board to take with a grain of salt the testimony of the appellants in Taxi Commission revocation cases.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

DOCUMENTS DEPT.

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(3) **ADDENDUM ITEMS:**

(3A) **JURISDICTION REQUEST**
TO ALLOW LATE FILING OF APPEAL: 1059-1061 Market Street
Permits Suspended on May 12, 2003
Last Day to Appeal was May 27, 2003
Jurisdiction Request Received June 13, 2003

Letter from Joel Yodowitz, Attorney for Tammy Ho, Requestor(s), asking that the Board take jurisdiction over the suspension of Building Permit Application No(s). 2000/05/15/0050, 2001/09/25/9156, 2001/09/26/9258, 2001/12/18/5501, 2002/02/26/0121, 2002/02/26/0114, 2002/05/14/6517, 2002/07/11/1182, 2002/08/08/3541, 2002/08/16/4177, 2002/10/18/9329, & 2002/10/18/9328. Reason(s) for suspension: the Planning Department believes that these permits were issued in error because they were not routed to the Planning Department for review and a required public hearing in violation of Planning Code § 321.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to grant jurisdiction.

SPEAKERS: Jonas Ionin, PD, said the Department has no objection to the Board allowing a late filing of an appeal in this case. Laurence Kornfield, CBI DBI, said his Department has no objection to allowing a late filing also. Alice Barkley, attorney for requestor, said her client had not filed an appeal within the appeal period because she misunderstood the Code requirements with which she is unfamiliar. No public comment.

(3B) **REHEARING REQUEST:** 3251-3253 Steiner St. / 2205 Lombard St.
Appeal No(s). 03-036
Clear Channel vs. DBI, PDA

Letter from Jared Eigerman, attorney for Clear Channel, Appellant(s), requesting rehearing of Appeal No(s). 03-036, decided June 4, 2003. At that time, upon motion by Vice President Harrington, the Board voted 4-1 (President Chin dissented) to uphold the subject permit. Project: reinstallation of two 12' X 24' signs as soon as the existing mixed commercial building is waterproofed; existing angle and lag at wall to remain in place during removal and reinstallation. Permit Holder(s): Margaret Pocoroba.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-1 (President Chin dissented) to deny the rehearing request.

SPEAKERS: Jared Eigerman, attorney for appellant, asked the Board to grant a rehearing for the reason there is new evidence to present in this unusual case. Brett Gladstone, attorney for permit holder, objected to the request on the grounds that there is no new evidence to be considered and the leases between the parties are a private matter not within the jurisdiction of the Board and are not an issue in this permit appeal but are an issue for the courts.

(3C) **ADOPTION OF FINDINGS:** 3251-3253 Steiner St. / 2205 Lombard St.
Appeal No(s). 03-036
Clear Channel vs. DBI, PDA

Proposed findings submitted by Brett Gladstone, attorney for Margaret Pocoroba, Permit Holder(s). For discussion and adoption if the rehearing request (Item 3B) is denied by the Board.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to continue the consideration of findings to July 30th, 2003 with the public hearing closed.

SPEAKERS: Catharine Barnes, DCA, in response to a request from the Board agreed to review the three sets of findings proposed for adoption and to advise the Board as to the differences between them before further consideration of the matter. Brett Gladstone, attorney for the permit holder, said he opposes a continuance of the matter since the appellant's proposed findings were submitted late and therefore should not be considered by the Board. Jared Eigerman, attorney for appellant, said his proposed findings had been submitted timely.

(3D) **REHEARING REQUEST:** 1812 Green Street
Appeal No(s). 03-053
Dollard vs. Zoning Administrator

Letter from Jeremy Paul, Agent for Adrian & Anne Dollard, Appellant(s), requesting rehearing of Appeal No(s). 03-053, decided June 11, 2003. At that time, upon motion by Commissioner Sugaya, the Board voted 2-3 (President Chin, Vice President Harrington, & Commissioner Saunders dissented) to uphold the subject Permit Suspension Request by the Zoning Administrator. Four votes being required to overturn any departmental action, the motion passed, and the ZA's Permit Suspension Request was upheld. Reason(s) for Suspension: the subject permit (BPA No. 2003/01/28/6145) incorrectly represented the current legal use of the property as a single family dwelling when it is a two-family dwelling, and for the reason that the permit is now being used as justification for a third permit (BPA No. 2002/02/21/8004) which proposes to remove an illegal kitchen on the 1st floor, which is not illegal, and the proposal constitutes a dwelling unit merger subject to the mandatory Discretionary Review process.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to continue the matter to the Call of the Chair so that the appellants can go forward with a mandatory DR hearing at the Planning Commission.

SPEAKERS: Jeremy Paul, agent for appellants, asked the Board to grant a rehearing or continue to the Call of the Chair so that discussions can continue with the Department and they can reach an agreement making a rehearing unnecessary.

(4) **CONSENT ITEMS (DBI PENALTY)**:

With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) **APPEAL NO. 03-069**

WILLIAM GILMORE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	628-632 Laguna Street. Appeal for refund of penalty imposed on May 7, 2003, for work done without a permit (remove two illegal dwelling units per NOV #200337377 resulting in a legal 3-unit apartment building). APPLICATION NO. 2003/03/25/0611. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 5-0 to reduce the subject penalty to 5 times the regular fee.

SPEAKERS: William Gilmore, architect for property owner, said his client is willing to remove two of the units and that the estimated cost of such a job is only $3000 and not the higher figure assigned it by the inspector. Laurence Kornfield, CBI DBI, reviewed the Department's history of the matter and said it appears to be an egregious case for which the Board should uphold the penalty imposed for lack of any valid permits for the work done and the present use of the building. He said there are no life-safety issues and that the valuation of $103,000 for the job is correct and the penalty is commensurate with the revenue produced over the years from the five-unit building. No public comment.

(5) **APPEAL NO. 02-172**

TOM KATZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1349 Clayton Street. Appealing the denial on August 30, 2002, of Permit to Alter a Building (on 13-unit apartment building: replace existing steel with vinyl retrofit – same shape and size; total 20 windows). APPLICATION NO. 2002/07/25/2280. **NOTE:** THE BOARD HELD A HEARING ON MARCH 19, 2003 AND VOTED TO UPHOLD THE DENIAL OF THE SUBJECT PERMIT. ON APRIL 23, 2003, THE BOARD VOTED 4-1 TO GRANT A REHEARING. AND AT THE REHEARING OF MAY 21, 2003, THE APPELLANT WAS NOT PRESENT, AND THE BOARD VOTED 5-0 TO UPHOLD THE DENIAL OF THE SUBJECT PERMIT. AND AT THE JURISDICTION REQUEST OF JUNE 25, 2003, THE BOARD VOTED 4-1 TO RESCIND THE MOTION OF MAY 21, 2003 UPHOLDING THE DENIAL OF THE SUBJECT PERMIT, AND TO RESCHEDULE A REHEARING FOR JULY 9, 2003 WITH LETTER NOTICES TO BE SENT OUT. FOR REHEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-1 (Commissioner Sugaya dissented) to continue the appeal to the Call of the Chair.

SPEAKERS: Jonas Ionin, PD, explained why the permit had been denied since the vinyl windows replacing the steel ones had been done without a proper permit, and for the reason the building is architecturally significant (AS) and the windows were a key element making the building AS. Tom Katz, appellant, described the permit history and said he replaced the windows after he had an approved permit and it is unfair to expect the owner to restore the steel windows. He said he held the permit for a month during which the job was done and then he gave the permit back to Planning. Ronald Kane, subject property owner, said the new windows are necessary since the old ones were drafty and rusty and not energy efficient, and his tenants approve of the replacements, which improve the livability of their units. Laurence Kornfield, CBI DBI, explained the significance of the documents submitted by the appellants in light of the Building Code requirements for the issuance of a permit and said that in his view no permit had been issued in this case. No public comment.

(6) **APPEAL NO. 03-044**

JOHN ARKEDER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on March 19, 2003, of taxicab medallion No. 1167. RESOLUTION NO. 2003-09. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the appeal to Sept. 24, 2003 at the prior written request of the parties.

SPEAKERS: None.

(7) **APPEAL NO. 03-068**

JAMES NEILLY, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on April 23, 2003, of medallion No. 897. RESOLUTION NO. 2003-26. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the appeal to Sept. 24, 2003 at the prior written request of the parties.

SPEAKERS: None.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 03-071**

JANET CODOR & CHARLES HOFFMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	330 – 25th Avenue. Protesting the issuance on May 12, 2003, to Michael Chan, Permit to Demolish a Building (two-story single family house with 1400sf of ground floor area). APPLICATION NO. 2000/04/05/6501 FOR HEARING TODAY.

(8B) **APPEAL NO. 03-072**

JANET CODOR & CHARLES HOFFMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	330 – 25th Avenue. Protesting the issuance on May 12, 2003, to Michael Chan, Site Permit to Erect a Building (three-story, two-unit condominium building with 2060sf of ground floor area). APPLICATION NO. 2000/04/05/6504S. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to uphold the demolition permit, and uphold the site permit with the following conditions: a) that the exterior rear wall be reduced by 4 feet on all 3 floors, with the fire escape to stay.

SPEAKERS: Janet Codor, co-appellant, described the situation of her cottage and how the proposed building will affect her property. She submitted her proposed interpretation of the Planning Code provisions regarding rear yard averaging because she thinks the present interpretation is wrong and does not account for rear yard cottages on adjacent properties and the affect on them of new buildings, which conform to current Code standards, but which are not sensitive to the existing historically significant cottages. Charles Hoffman, co-appellant, asked the Board to require that the proposed building be scaled back so that it will not have a negative impact on the surrounding properties. Amy Yu, wife of permit holder, explained the compromises and revisions already made at the request of the Planning Department and she asked the Board to uphold the permit as approved. Jonas Ionin, PD, explained the process the permit applications had gone through and the relevant Code requirements. Public comment for the appellants: John Walmsley said he is a friend of the appellants and said they could not be responsible for the graffiti on the permit holder's garage door. Andrew Eckers said he made the model of the project before the Board. He asked the Board to be sensitive to the owners of rear yard cottages, which are special City structures, and which add a desirable aspect to some of our residential neighborhoods worth preserving. Susan Olney said the proposed building will create a canyon between it and the appellant's property. Public comment for the permit holder: Gabriel Ng said he lives near the subject property and supports the project.

There being no further business President Chin adjourned the meeting at 7:59 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

DOCUMENTS DEPT.

JUL 18 2003

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 23, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

7-13-03 11:23

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3A) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Taxi medallion No(s). 1181
Revocation took effect March 25, 2003
Last Day to Appeal was April 9, 2003
Jurisdiction Request Received July 1, 2003

Letter from Lando Siu, requestor, asking that the Board take jurisdiction over the Taxi Commission's revocation of medallion no. 1181.
Note: The requestor filed an appeal of the Taxi Commission's revocation (Appeal No. 03-052), and the Board held a hearing on June 4, 2003 where the revocation was upheld. The rehearing period lapsed with no rehearing request filed, and a Notice of Decision & Order was issued, terminating the Board's jurisdiction. The requestor has filed this jurisdiction request asking the Board to grant him a second 10-day rehearing period and the opportunity to request a rehearing. If this request is granted, the Board may consider the rehearing request for Appeal No(s). 03-052 as addendum item 3B.

(3B) **REHEARING REQUEST:** Taxi Medallion No(s). 1181
Appeal No(s). 03-052
Siu vs. Taxi Commission

If the foregoing jurisdiction request (addendum item 3A) is granted, then this rehearing request may proceed: Letter from Lando Siu, Appellant(s), requesting rehearing of Appeal No(s). 03-052, decided June 4, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the revocation and instead impose a 3-month suspension of the subject medallion. Four votes being required under Charter § 4.106 to overturn or modify a departmental action, the motion failed, and the Taxi Commission's revocation was upheld.

(3C) **REHEARING REQUEST:** Taxi Medallion No(s). 129
Appeal No(s). 02-020
Adams vs. Taxi Commission

Letter from John Feldmann III, Attorney for David Adams, Appellant(s), requesting rehearing of Appeal No(s). 02-020, decided June 25, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the Taxi Commission and add the appellant's name to the subject medallion. Four votes being required under Charter § 4.106 to overturn or modify a departmental action, the motion failed, and the Taxi Commission's denial of the request to add the appellant's name to medallion no. 129 was upheld.

(4) **APPEAL NO. 03-070**

MARC PASCHKE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	137 Central Avenue. Protesting the issuance on May 1, 2003, to Edward Litke, Permit to Remove & Replace One (1) Tree. ORDER NO. 174,093. FOR HEARING TODAY.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 03-056**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on March 27, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: install 5' high fence on side of front yard, treated vertical posts on 4' centers, redwood lattice full height between verticals, pre-formed 3' metal footings driven into ground floor for verticals, capped by treated 2" X 4" (on side) tying 5 posts together; 8'6" free standing; rest next to building) APPLICATION NO. 2003/03/27/0836. FOR HEARING TODAY.

(5B) **APPEAL NO. 03-067**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on May 2, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: rebuild existing rear stairs in-kind). APPLICATION NO. 2003/05/02/3742. FOR HEARING TODAY.

(6) **APPEAL NO. 03-062**

GALINA VAYSMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (Staff Initiated DR)	644 Spruce Street. Appealing the denial on April 22, 2003, of a Permit to Demolish a Building (3-story single-family house). **Note:** Permit application to construct three-story one-family house on site is pending at Planning awaiting Board action on this appeal of denial of demolition application. APPLICATION NO. 2002/07/26/2425. FOR HEARING TODAY.

(7) **APPEAL NO. 03-075**

DANNY FONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2620 Vicente Street. Protesting the issuance on May 13, 2003, to Si Fang Zhang, Site Permit to Alter a Building (on single-family house: rear extension, two-stories, consisting of 2 bedrooms on 1st floor, and a master bedroom and master bathroom on 2nd floor). APPLICATION NO. 2000/12/04/7076S. FOR HEARING TODAY.

(8) **APPEAL NO. 03-077**

MARK ONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	2545 Greenwich Street. Appealing the denial on May 28, 2003, of Permit to Alter a Building (interior modification to combine 2 units into 1 unit, resulting in a 2-unit building; no additional space is created; no exterior changes). APPLICATION NO. 2002/09/12/6333. FOR HEARING TODAY.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 03-078**

M.K. MURPHY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	285 Edgewood Avenue. Protesting the issuance on May 15, 2003, to Paul Dennes, Site Permit to Erect a Building (two-story single-family dwelling with 900sf of ground floor area). APPLICATION NO. 2002/03//15/1545S. FOR HEARING TODAY.

(9B) **APPEAL NO. 03-079**

JUDITH HARDING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	285 Edgewood Avenue. Protesting the issuance on May 15, 2003, to Paul Dennes, Site Permit to Erect a Building (two-story single-family dwelling with 900sf of ground floor area). APPLICATION NO. 2002/03//15/1545S. FOR HEARING TODAY.

(10) **APPEAL NO. 03-080**

EVELYN ELSESSER KAHL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	565 Diamond Street. Appealing a determination dated May 15, 2003, addressed to Stephen Johnson, that the non-conforming structure on the adjacent lot at 551-555 Diamond Street cannot be used for rear yard averaging so as to allow the rear expansion of the subject property because the said non-conforming structure is not a dwelling unit under Planning Code § 102. FOR HEARING TODAY.

ITEMS (11A) & (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 03-098**

MILLIE McCALLUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	438 – 21st Avenue. Protesting the issuance on June 3, 2003, to Sze-Hoi Yip, Permit to Demolish a Building (3-story single family dwelling with 900sf of ground floor area). APPLICATION NO. 2002/05/29/7730. FOR HEARING TODAY.

(11B) **APPEAL NO. 03-099**

MILLIE McCALLUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	438 – 21st Avenue. Protesting the issuance on June 3, 2003, to Sze-Hoi Yip, Site Permit to Erect a Building (4-story, 2-unit building with 1,656sf of ground floor area). APPLICATION NO. 2002/05/29/7735S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: July 17, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 23, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, Vice President Kathleen Harrington, Commissioner Hisashi Sugaya, and Commissioner Sabrina Saunders.

ABSENT: Commissioner Douglas Shoemaker.

Catharine Barnes, Deputy City Attorney (DCA); Craig Nikitas, for the Planning Dept. (PD) & the Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (CBI DBI); Robert Feldman, Executive Secretary and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT**:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Dennis Shea explained vinyl windows using a demonstration window to show why old metal windows need to be replaced. Tom Katz explained that he has tried to work with the Planning Dept. on his window replacement job but has not been able to reach an agreement in the matter; he is trying to legalize a window replacement made without an acceptable permit.

(2) **COMMISSIONERS COMMENTS & QUESTIONS**:

SPEAKERS: None.

(3) **ADDENDUM ITEMS:**

(3A) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Taxi medallion No(s). 1181
Revocation took effect March 25, 2003
Last Day to Appeal was April 9, 2003
Jurisdiction Request Received July 1, 2003

Letter from Lando Siu, requestor, asking that the Board take jurisdiction over the Taxi Commission's revocation of medallion no. 1181.
Note: The requestor filed an appeal of the Taxi Commission's revocation (Appeal No. 03-052), and the Board held a hearing on June 4, 2003 where the revocation was upheld. The rehearing period lapsed with no rehearing request filed, and a Notice of Decision & Order was issued, terminating the Board's jurisdiction. The requestor has filed this jurisdiction request asking the Board to grant him a second 10-day rehearing period and the opportunity to request a rehearing. If this request is granted, the Board may consider the rehearing request for Appeal No(s). 03-052 as addendum item 3B.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (Commissioner Shoemaker absent) to reschedule the matter to August 6, 2003 at the prior written request of the parties.

SPEAKERS: None.

(3B) **REHEARING REQUEST:** Taxi Medallion No(s). 1181
Appeal No(s). 03-052
Siu vs. Taxi Commission

If the foregoing jurisdiction request (addendum item 3A) is granted, then this rehearing request may proceed: Letter from Lando Siu, Appellant(s), requesting rehearing of Appeal No(s). 03-052, decided June 4, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the revocation and instead impose a 3-month suspension of the subject medallion. Four votes being required under Charter § 4.106 to overturn or modify a departmental action, the motion failed, and the Taxi Commission's revocation was upheld.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (Commissioner Shoemaker absent) to reschedule the matter to August 6, 2003 at the prior written request of the parties.

SPEAKERS: None.

(3C) **REHEARING REQUEST:** Taxi Medallion No(s). 129
Appeal No(s). 02-020
Adams vs. Taxi Commission

Letter from John Feldmann III, Attorney for David Adams, Appellant(s), requesting rehearing of Appeal No(s). 02-020, decided June 25, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the Taxi Commission and add the appellant's name to the subject medallion. Four votes being required under Charter § 4.106 to overturn or modify a departmental action, the motion failed, and the Taxi Commission's denial of the request to add the appellant's name to medallion no. 129 was upheld.

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-0-1 (Commissioner Shoemaker absent) to reschedule the matter to August 6, 2003 at the prior written request of the parties.

SPEAKERS: None.

(4) **APPEAL NO. 03-070**

MARC PASCHKE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	137 Central Avenue. Protesting the issuance on May 1, 2003, to Edward Litke, Permit to Remove & Replace One (1) Tree. ORDER NO. 174,093. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Shoemaker absent) to reschedule the appeal to July 30, 2003 at the prior written request of the parties.

SPEAKERS: None.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 03-056**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on March 27, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: install 5' high fence on side of front yard, treated vertical posts on 4' centers, redwood lattice full height between verticals, pre-formed 3' metal footings driven into ground floor for verticals, capped by treated 2" X 4" (on side) tying 5 posts together; 8'6" free standing; rest next to building) APPLICATION NO. 2003/03/27/0836. FOR HEARING TODAY.

(5B) **APPEAL NO. 03-067**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on May 2, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: rebuild existing rear stairs in-kind). APPLICATION NO. 2003/05/02/3742. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-1-1 (Vice President Harrington dissented, Commissioner Shoemaker absent) to reschedule the appeal to Aug. 27, 2003.

SPEAKERS: Ray Erlach, attorney for appellant, requested that the appeals be rescheduled to a date when all five Commissioners are present and he said that he is not available on August 6. Alan Freebury, permit holder, said that he does not object to a rescheduling to August 6. No public comment.

(6) **APPEAL NO. 03-062**

GALINA VAYSMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (Staff Initiated DR)	644 Spruce Street. Appealing the denial on April 22, 2003, of a Permit to Demolish a Building (3-story single-family house). **Note:** Permit application to construct three-story one-family house on site is pending at Planning awaiting Board action on this appeal of denial of demolition application. APPLICATION NO. 2002/07/26/2425. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Shoemaker absent) reschedule the appeal to July 30, 2003.

SPEAKERS: Alice Barkley, attorney for appellant, asked the Board to hold a hearing and supply the absent Commissioner with an audio tape of the hearing so that he can participate in the discussion and vote on the appeal at a future meeting. She agreed to a rescheduling of the appeal to July 30, 2003. No public comment.

(7) **APPEAL NO. 03-075**

DANNY FONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2620 Vicente Street. Protesting the issuance on May 13, 2003, to Si Fang Zhang, Site Permit to Alter a Building (on single-family house: rear extension, two-stories, consisting of 2 bedrooms on 1st floor, and a master bedroom and master bathroom on 2nd floor). APPLICATION NO. 2000/12/04/7076S. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Shoemaker absent) to reschedule the appeal to August 6, 2003 at the prior written request of the parties.

SPEAKERS: None.

(8) **APPEAL NO. 03-077**

MARK ONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	2545 Greenwich Street. Appealing the denial on May 28, 2003, of Permit to Alter a Building (interior modification to combine 2 units into 1 unit, resulting in a 2-unit building; no additional space is created; no exterior changes). APPLICATION NO. 2002/09/12/6333. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (Commissioner Shoemaker absent) to reschedule the appeal to August 6, 2003 at the prior written request of the parties.

SPEAKERS: None.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 03-078**

M.K. MURPHY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	285 Edgewood Avenue. Protesting the issuance on May 15, 2003, to Paul Dennes, Site Permit to Erect a Building (two-story single-family dwelling with 900sf of ground floor area). APPLICATION NO. 2002/03//15/1545S. FOR HEARING TODAY.

(9B) **APPEAL NO. 03-079**

JUDITH HARDING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	285 Edgewood Avenue. Protesting the issuance on May 15, 2003, to Paul Dennes, Site Permit to Erect a Building (two-story single-family dwelling with 900sf of ground floor area). APPLICATION NO. 2002/03//15/1545S. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Shoemaker absent) to reschedule the appeal to July 30, 2003. Afterwards, upon motion by President Chin, the Board voted 1-3-1 (Vice President Harrington, Commissioners Sugaya & Saunders dissented, Commissioner Shoemaker absent) to rescind the previous motion and reschedule the appeal to August 6, 2003; 3 votes being required to reschedule an appeal, the motion failed, and the appeal remained on July 30, 2003.

SPEAKERS: Judith Harding co-appellant, asked the Board to reschedule the appeal to a date when all five Commissioners are present, and that August 6 is acceptable to her. Her problem is that her grandchildren are to visit and she wants to spend time with them. David DiFRancisco, husband of appellant MK Murphy, asked the Board to reschedule the hearing to August 6 so that all five Commissioners can be present. Jeremy Paul, agent for permit holder, objected to a rescheduling and asked the Board to hear the cases as presently scheduled even though only four Commissioners are present. He said that there have been too many delays in the process, and that the appellants will continue to object to his client's project indefinitely. No public comment.

(10) **APPEAL NO. 03-080**

EVELYN ELSESSER KAHL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	565 Diamond Street. Appealing a determination dated May 15, 2003, addressed to Stephen Johnson, that the non-conforming structure on the adjacent lot at 551-555 Diamond Street cannot be used for rear yard averaging so as to allow the rear expansion of the subject property because the said non-conforming structure is not a dwelling unit under Planning Code § 102. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Shoemaker absent) to reschedule the appeal to August 6, 2003 at the prior written request of the parties.

SPEAKERS: None.

ITEMS (11A) & (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 03-098**

MILLIE McCALLUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	438 – 21st Avenue. Protesting the issuance on June 3, 2003, to Sze-Hoi Yip, Permit to Demolish a Building (3-story single family dwelling with 900sf of ground floor area). APPLICATION NO. 2002/05/29/7730. FOR HEARING TODAY.

(11B) **APPEAL NO. 03-099**

MILLIE McCALLUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	438 – 21st Avenue. Protesting the issuance on June 3, 2003, to Sze-Hoi Yip, Site Permit to Erect a Building (4-story, 2-unit building with 1,656sf of ground floor area). APPLICATION NO. 2002/05/29/7735S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 2-2-1 (President Chin & Vice President Harrington dissented, Commissioner Shoemaker absent) to reschedule the appeal to July 30, 2003. 3 votes being required to reschedule an appeal, the motion failed, and the appeal would go forward. Afterwards, upon motion by Commissioner Saunders, the Board voted 4-0-1

(Commissioner Shoemaker absent) to uphold both permits on condition that the sound-proofing inspection report be given to the appellant.

SPEAKERS: Millie McCallum, appellant, asked the Board to reschedule the appeals to a date when all five Commissioners are present because she needs four votes to prevail. She said that July 30, 2003 is not acceptable to her but that August 6 is. After the Board decided to hear the matter she read a statement into the record and asked for relief from the effects the proposed building will have on her property. Patrice Fambrini, agent for permit holder, asked the Board to uphold the permits and described the project and the plight of the permit holder. Craig Nikitas, PD, explained the decision of the Commission and the conditions imposed. Public comment for the appellant: Robert Krolak, friend of the appellant, asked the Board to support the appellant and agreed with her statement; he said the project will have a serious impact on her privacy. No public comment for permit holder.

There being no further business President Chin adjourned the meeting at 6:11 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 30, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.

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2) **COMMISSIONERS COMMENTS & QUESTIONS:**

3) **ADDENDUM ITEMS:**

3A) **ADOPTION OF FINDINGS:** 3251-3253 Steiner St. / 2205 Lombard St.
Appeal No(s). 03-036
Clear Channel vs. DBI, PDA

Proposed findings submitted by Brett Gladstone, attorney for Permit Holder Margaret Pocoroba, by Jared Eigerman, attorney for Appellant Clear Channel, and by Deputy City Attorney Tom Owens. For discussion and adoption.

3B) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 1011 Howard Street
Stop work order request dated June 27, 2003
Last day to appeal was July 14, 2003
Jurisdiction request received July 21, 2003

Letter from Henry Karnilowicz, requestor, asking that the Board take jurisdiction over a Stop Work Order Request by the Zoning Administrator for Building Permit Application No(s). 2003/02/19/7782. Reason(s) for requesting stop work order: subject permit for vinyl windows was approved in error by Planning staff as an over-the-counter permit without the appropriate review that is required for historically rated buildings like the subject property.

(4) **APPEAL NO. 03-083**

ADRIEL QUINTANA LOAYZA, Appellant(s) vs. ART COMMISSION, Respondent	Appealing the suspension on May 22, 2003, of Street Artist Certificate No. 5886. FOR HEARING TODAY.

(5) **APPEAL NO. 03-070**

MARC PASCHKE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	137 Central Avenue. Protesting the issuance on May 1, 2003, to Edward Litke, Permit to Remove & Replace One (1) Tree. ORDER NO. 174,093. FOR HEARING TODAY.

(6) **APPEAL NO. 03-027**

JOEL HOLLANDER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on February 3, 2003, of taxi medallion No(s). 884. RESOLUTION NO. 2003-02. FOR HEARING TODAY.

(7) **CONSENT ITEMS (DBI PENALTY):**

With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(7A) **APPEAL NO. 03-082**

JOHN R. HOLDEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	720 Valencia Street. Appeal for refund of penalty imposed on May 30, 2003, for work done without a permit (on two-story commercial building with one dwelling unit: new rear stairs and addition). APPLICATION NO. 2002/09/09/5921. FOR HEARING TODAY.

7) **CONSENT ITEMS (DBI PENALTY) CONTINUED:**

7B) **APPEAL NO. 03-085**

JOHN FITZPATRICK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3425 Jackson Street. Appeal for refund of penalty imposed on June 2, 2003, for plumbing and mechanical work done without a permit (replace heater). PERMIT NO. P440624. FOR HEARING TODAY.

3) **APPEAL NO. 03-062**

GALINA VAYSMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (Staff Initiated DR)	644 Spruce Street. Appealing the denial on April 22, 2003, of a Permit to Demolish a Building (3-story single-family house). **Note:** Permit application to construct three-story one-family house on site is pending at Planning awaiting Board action on this appeal of denial of demolition application. APPLICATION NO. 2002/07/26/2425. FOR HEARING TODAY.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

9A) **APPEAL NO. 03-078**

M.K. MURPHY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	285 Edgewood Avenue. Protesting the issuance on May 15, 2003, to Paul Dennes, Site Permit to Erect a Building (two-story single-family dwelling with 900sf of ground floor area). APPLICATION NO. 2002/03//15/1545S. FOR HEARING TODAY.

9B) **APPEAL NO. 03-079**

JUDITH HARDING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	285 Edgewood Avenue. Protesting the issuance on May 15, 2003, to Paul Dennes, Site Permit to Erect a Building (two-story single-family dwelling with 900sf of ground floor area). APPLICATION NO. 2002/03//15/1545S. FOR HEARING TODAY.

(10) **APPEAL NO. 03-081**

E. ANNE CHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1260 Plymouth Avenue. Protesting the issuance on May 16, 2003, to Roger Brehmer, Permit to Alter a Building (repair lower level rooms to comply with 2nd half of complaint #200336593). APPLICATION NO. 2003/05/16/4801. FOR HEARING TODAY.

(11) **APPEAL NO. 03-086**

ROSY LOU LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1326 San Bruno Avenue. Protesting the issuance on May 23, 2003, to Frank Stonich, Permit to Alter a Building (on 2-unit building: build new rear deck 10' X 15' @ 36" high; comply with NOV #200235368; replace railings in kind; replace rear wall siding in kind). APPLICATION NO. 2003/05/23/5344. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: July 24, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

arding a calendared item to the Board office. Comments received before noon on the day of the aring will be made a part of the official record and will be brought to the attention of the Board at public hearing. For complete distribution to all Commissioners of the Board, necessary staff and se files, submit an original and ten copies.

rsuant to Government Code § 65009, if you challenge, in court, the approval of a variance or velopment permit, you may be limited to raising only those issues you or someone else raised at public hearing described in this notice, or in written correspondence delivered to the Board of peals at, or prior to, the public hearing.

lendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are en out of order to accommodate special needs. The Board urges all parties to be present in the aring room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public aring when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

e ringing of and use of cell phones, pagers and similar sound-producing electronic devices are hibited at this meeting. Please be advised that the Chair may order the removal from the meeting m of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar und-producing electronic devices.

ACCESSIBILITY INFORMATION

ierican sign language interpreters and/or sound enhancement system will be available upon uest by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. ividuals with severe allergies, environmental illness, multiple chemical sensitivity or related abilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order assist the City's efforts to accommodate such people, attendees at public meetings are reminded t other attendees may be sensitive to various chemical-based products. Please help the City to commodate these individuals. The closest accessible BART station is the Civic Center station ated at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been signated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 wntown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-42.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

vernment's duty is to serve the public, reaching its decisions in full view of the public. mmissions, boards, councils and other agencies of the City and County exist to conduct the ople's business. This ordinance assures that deliberations are conducted before the people and t City operations are open to the people's review.

more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco ministrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task ce: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett ce, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 30, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, Vice President Kathleen Harrington, Commissioner Douglas Shoemaker, Commissioner Hisashi Sugaya, and Commissioner Sabrina Saunders.

Catharine Barnes, Deputy City Attorney (DCA); Julian Banales, for the Planning Dept. (PD) & the Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (CBI DBI); Howard Lazar, Executive Director of the Street Artist Program, for the Art Commission (AC); Tony Wolcott, Acting Urban Forester, for the DPW Bureau of Urban Forestry (AUF, DPW BUF); Naomi Little, Executive Director of the Taxi Commission (TC); Robert Feldman, Executive Secretary and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:**

(3A) **ADOPTION OF FINDINGS:** 3251-3253 Steiner St. / 2205 Lombard St.
Appeal No(s). 03-036
Clear Channel vs. DBI, PDA

Proposed findings submitted by Brett Gladstone, attorney for Permit Holder Margaret Pocoroba, by Jared Eigerman, attorney for Appellant Clear Channel, and by Deputy City Attorney Tom Owens. For discussion and adoption.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the matter to Aug. 6, 2003.

SPEAKERS: Jim Reuben, attorney for appellant, addressed the issue of a rescheduling. Brett Gladstone, attorney for permit holder, also addressed the issue of a rescheduling.

(3B) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 1011 Howard Street
Stop work order request dated June 27, 2003
Last day to appeal was July 14, 2003
Jurisdiction request received July 21, 2003

Letter from Henry Karnilowicz, requestor, asking that the Board take jurisdiction over a Stop Work Order Request by the Zoning Administrator for Building Permit Application No(s). 2003/02/19/7782. Reason(s) for requesting stop work order: subject permit for vinyl windows was approved in error by Planning staff as an over-the-counter permit without the appropriate review that is required for historically rated buildings.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-1 (Commissioner Sugaya dissented) to grant the jurisdiction request.

SPEAKERS: Henry Karnilowicz, requestor, explained why he did not file an appeal within the allowed and said he has been dealing with the Redevelopment Agency and was confused about the appeals process as it pertains to his window replacement project. He said the work has been completed and he has submitted the permit application he had prepared to cover this project. Julian Banales, PD, said the facts set forth in his letter are correct and that the application had been processed at the zoning counter without proper referral to the permit review staff who would have denied it because the new windows do not meet the standards for architecturally significant buildings. No public comment.

(4) **APPEAL NO. 03-083**

ADRIEL QUINTANA LOAYZA, Appellant(s) vs. ART COMMISSION, Respondent	Appealing the suspension on May 22, 2003, of Street Artist Certificate No. 5886. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 5-0 to overrule the suspension with the following conditions: a) that the subject certificate be suspended for 3 weeks starting Sept. 15, 2003; & b) that a 2-week suspension be held in abeyance pending a 6 month probation period, and if no warnings are issued in this period, said 2-week suspension shall not be executed.

SPEAKERS: Howard Lazar, AC, explained the procedures that must be followed by street artists and how the appellant failed to meet some of them even after several warnings. Adriel Quintana Loayza, appellant, via translator Enrique Perez, asked the Board for compassion in judging his case and assured them he now understands the process and will follow the rules in the future. No public comment.

(5) **APPEAL NO. 03-070**

MARC PASCHKE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	137 Central Avenue. Protesting the issuance on May 1, 2003, to Edward Litke, Permit to Remove & Replace One (1) Tree. ORDER NO. 174,093. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 3-2 (Vice President Harrington and Commissioner Sugaya dissented) to overrule the department and revoke the permit. Four votes being required under Charter § 4.106 to overturn a departmental action, the motion failed, and the subject permit was upheld.

SPEAKERS: Marc Paschke, appellant, said he speaks for himself and the neighbors who oppose removal and replacement of the tree, which is the largest in the area and the only one on the block, with no safety issue involved just a need to clear for the benefit of anew private driveway, which can be reconfigured to allow retention of the tree. Dulce Arguelles, agent for permit holder, said that the removal is necessary for the contractor to complete the construction project and there is no way to retain it though a replacement will mitigate the effect on the neighborhood. Tony Wolcott, AUF, DPW BUF, explained the department's position and how a replacement tree would replace the existing tree. Public comment for appellant: Marianne Love from Supervisor Gonzalez's office informed the Board of the legislation now being prepared that will alleviate this kind of neighborhood problem. Carolyn Blair of the SF Tree Council said she feels a seven-foot clearance would be sufficient and the tree retained, and all can win. Elaine Paschke, wife of the appellant, said she thinks a seven-foot wide curb cut is the answer to saving the oldest tree on the block, which is important to the streetscape. No public comment for permit holder.

Laurence Kornfield, CBI DBI, reported on inter-departmental meetings held to coordinate review of tree cases.

(6) **APPEAL NO. 03-027**

JOEL HOLLANDER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on February 3, 2003, of taxi medallion No(s). 884. RESOLUTION NO. 2003-02. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeal to August 6, 2003.

SPEAKERS: Naomi Little, TC, commented on the rescheduling.

(7) **CONSENT ITEMS (DBI PENALTY):**

With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(7A) **APPEAL NO. 03-082**

JOHN R. HOLDEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	720 Valencia Street. Appeal for refund of penalty imposed on May 30, 2003, for work done without a permit (on two-story commercial building with one dwelling unit: new rear stairs and addition). APPLICATION NO. 2002/09/09/5921. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-1 (Commissioner Sugaya dissented) to reduce the subject penalty to 3 times the regular fee.

SPEAKERS: John Holden, appellant, requested a reduction in the penalty because his project is so small an addition. Laurence Kornfield, CBI DBI, described the problems as work done beyond the scope of the plans and permit as well as work done without necessary plumbing and electrical permits.

(7B) **APPEAL NO. 03-085**

JOHN FITZPATRICK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3425 Jackson Street. Appeal for refund of penalty imposed on June 2, 2003, for plumbing and mechanical work done without a permit (replace heater). PERMIT NO. P440624. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reduce the subject penalty to 2 times the regular fee.

SPEAKERS: None since the department consented to the reduction.

(8) **APPEAL NO. 03-062**

GALINA VAYSMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (Staff Initiated DR)	644 Spruce Street. Appealing the denial on April 22, 2003, of a Permit to Demolish a Building (3-story single-family house). **Note:** Permit application to construct three-story one-family house on site is pending at Planning awaiting Board action on this appeal of denial of demolition application. APPLICATION NO. 2002/07/26/2425. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to overrule the Planning Commission and grant the permit with a finding that the cost of rehabilitating the structure up to the Housing Code's minimum standards of habitability exceed 50% of the cost of replacing the structure.

SPEAKERS: Julian Banales, PD, described the Commission's action and said the demolition permit was denied because it is inconsistent with the General Plan. Alice Barkley, attorney for appellant, described the deteriorated condition of the house and said the cost of bringing the house up to livability standards would cost more than 50% of the cost of demolition and new construction on this steep lot, which slopes in both directions. Public comment for Planning Commission: Weiru Wang spoke for her parents who own the adjacent property on the north side; she described the reasons the house should be preserved and not demolished since the cutting down of the tree in the rear yard shows the bad faith of the appellant. Jane Wang also urged the Board to deny the appeal. Laurence Kornfield, CBI, DBI, explained how standards may be triggered as renovation projects proceed and a building is opened up.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 03-078**

M.K. MURPHY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	285 Edgewood Avenue. Protesting the issuance on May 15, 2003, to Paul Dennes, Site Permit to Erect a Building (two-story single-family dwelling with 900sf of ground floor area). APPLICATION NO. 2002/03//15/1545S. FOR HEARING TODAY.

(9B) **APPEAL NO. 03-079**

JUDITH HARDING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	285 Edgewood Avenue. Protesting the issuance on May 15, 2003, to Paul Dennes, Site Permit to Erect a Building (two-story single-family dwelling with 900sf of ground floor area). APPLICATION NO. 2002/03//15/1545S. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to uphold the subject permit.

SPEAKERS: Judith Harding, co-appellant, explained her issues with the original variance and the lot split process, which she said are no longer viable since the lot split documentation was incomplete and the conveyance from father to son was an inside arrangement and unclear. David DiFrancisco, husband of co-appellant MK Murphy, said that the variance is null and void since its conditions were not met in a timely fashion, and the parcel map application was very inadequate. Jeremy Paul, agent for permit holder, said this is a case of sour grapes and gave a chronology of the appellants' efforts to stop the project. He said the variance conditions have been met and the parcel map process was done properly and it is complete. No public comment.

(10) **APPEAL NO. 03-081**

E. ANNE CHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1260 Plymouth Avenue. Protesting the issuance on May 16, 2003, to Roger Brehmer, Permit to Alter a Building (repair lower level rooms to comply with 2nd half of complaint #200336593). APPLICATION NO. 2003/05/16/4801. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-1 (President Chin dissented) to uphold the permit with the following conditions: a) that a Notice of Special Restrictions (NSR) be recorded on the land records that the subject property is a one-family house; b) that the stairs remain open on the upper and lower levels; c) that the door in exhibit A of the Westwood Park Association's letter be eliminated; & d) that the door in exhibit C of the Westwood Park Association's letter be eliminated unless the entire bottom floor is made ADA (Americans with Disabilities Act) accessible.

SPEAKERS: E. Anne Chen, appellant, asked the Board to place conditions on the permit, which she set forth in her letter, which will ameliorate the negative impact of the project on her property. Roger Brehmer, permit holder, said he has no intention of creating any illegal units in the house, and described the two doors, which the appellant wants deleted, and his willingness to meet some of the proposed conditions. Public comment for the appellant: Anita Theoharis explained the history and nature of the Residential Character District that was created by her organization and is the only one in the City. She said she thinks the permit was issued in error and that she wants to

insure that this will only be used as a lawful one-family house. Alice Barkley said that this is new construction and not an alteration, and that there is always the potential of creation of an illegal unit. Laurence Kornfield, CBI DBI, said that the two doors are not required by the Code. Charles Athos, architect for permit holder, explained that the door in front is useful for disabled access, and that this large building will be appropriate for an extended family.

(11) **APPEAL NO. 03-086**

ROSY LOU LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1326 San Bruno Avenue. Protesting the issuance on May 23, 2003, to Frank Stonich, Permit to Alter a Building (on 2-unit building: build new rear deck 10' X 15' @ 36" high; comply with NOV #200235368; replace railings in kind; replace rear wall siding in kind). APPLICATION NO. 2003/05/23/5344. FOR HEARING TODAY.

ACTION: This appeal was withdrawn by the appellant prior to the meeting.

SPEAKERS: None.

There being no further business President Chin adjourned the meeting at 8:22 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 6, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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08-01-03 09:22

(2) **COMMISSIONERS COMMENTS & QUESTIONS**:

(3) **ADDENDUM ITEMS**:

(3A) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Taxi medallion No(s). 1181
Revocation took effect March 25, 2003
Last Day to Appeal was April 9, 2003
Jurisdiction Request Received July 1, 2003

Letter from Lando Siu, requestor, asking that the Board take jurisdiction over the Taxi Commission's revocation of medallion no. 1181.
Note: The requestor filed an appeal of the Taxi Commission's revocation (Appeal No. 03-052), and the Board held a hearing on June 4, 2003 where the revocation was upheld. The rehearing period lapsed with no rehearing request filed, and a Notice of Decision & Order was issued, terminating the Board's jurisdiction. The requestor has filed this jurisdiction request asking the Board to grant him a second 10-day rehearing period and the opportunity to request a rehearing. If this request is granted, the Board may consider the rehearing request for Appeal No(s). 03-052 as addendum item 3B.

(3B) **REHEARING REQUEST:** Taxi Medallion No(s). 1181
Appeal No(s). 03-052
Siu vs. Taxi Commission

If the foregoing jurisdiction request (addendum item 3A) is granted, then this rehearing request may proceed: Letter from Lando Siu, Appellant(s), requesting rehearing of Appeal No(s). 03-052, decided June 4, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the revocation and instead impose a 3-month suspension of the subject medallion. Four votes being required under Charter § 4.106 to overturn or modify a departmental action, the motion failed, and the Taxi Commission's revocation was upheld.

(3C) **REHEARING REQUEST:** Taxi Medallion No(s). 129
Appeal No(s). 02-020
Adams vs. Taxi Commission

Letter from John Feldmann III, Attorney for David Adams, Appellant(s), requesting rehearing of Appeal No(s). 02-020, decided June 25, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the Taxi Commission and add the appellant's name to the subject medallion. Four votes being required under Charter § 4.106 to overturn or modify a departmental action, the motion failed, and the Taxi Commission's denial of the request to add the appellant's name to medallion no. 129 was upheld.

(3D) **ADOPTION OF FINDINGS:** 3251-3253 Steiner St. / 2205 Lombard St.
Appeal No(s). 03-036
Clear Channel vs. DBI, PDA

Proposed findings submitted by Brett Gladstone, attorney for Permit Holder Margaret Pocoroba, by Jared Eigerman, attorney for Appellant Clear Channel, and by Deputy City Attorney Catharine Barnes. For discussion and adoption.

(4) **APPEAL NO. 03-027**

JOEL HOLLANDER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on February 3, 2003, of taxi medallion No(s). 884. RESOLUTION NO. 2003-02. FOR HEARING TODAY.

(5) **APPEAL NO. 03-075**

DANNY FONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2620 Vicente Street. Protesting the issuance on May 13, 2003, to Si Fang Zhang, Site Permit to Alter a Building (on single-family house: rear extension, two-stories, consisting of 2 bedrooms on 1st floor, and a master bedroom and master bathroom on 2nd floor). APPLICATION NO. 2000/12/04/7076S. FOR HEARING TODAY.

(6) **APPEAL NO. 03-077**

MARK ONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	2545 Greenwich Street. Appealing the denial on May 28, 2003, of Permit to Alter a Building (interior modification to combine 2 units into 1 unit, resulting in a 2-unit building; no additional space is created; no exterior changes). APPLICATION NO. 2002/09/12/6333. FOR HEARING TODAY.

(7) **APPEAL NO. 03-080**

EVELYN ELSESSER KAHL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	565 Diamond Street. Appealing a determination dated May 15, 2003, addressed to Stephen Johnson, that the non-conforming structure on the adjacent lot at 551-555 Diamond Street cannot be used for rear yard averaging so as to allow the rear expansion of the subject property because the said non-conforming structure is not a dwelling unit under Planning Code § 102. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: July 31st, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

garding a calendared item to the Board office. Comments received before noon on the day of the earing will be made a part of the official record and will be brought to the attention of the Board at e public hearing. For complete distribution to all Commissioners of the Board, necessary staff and se files, submit an original and ten copies.

ursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or evelopment permit, you may be limited to raising only those issues you or someone else raised at e public hearing described in this notice, or in written correspondence delivered to the Board of ppeals at, or prior to, the public hearing.

alendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are ken out of order to accommodate special needs. The Board urges all parties to be present in the earing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public earing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

ne ringing of and use of cell phones, pagers and similar sound-producing electronic devices are ohibited at this meeting. Please be advised that the Chair may order the removal from the meeting om of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar und-producing electronic devices.

ACCESSIBILITY INFORMATION

merican sign language interpreters and/or sound enhancement system will be available upon quest by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. dividuals with severe allergies, environmental illness, multiple chemical sensitivity or related sabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order assist the City's efforts to accommodate such people, attendees at public meetings are reminded at other attendees may be sensitive to various chemical-based products. Please help the City to ccommodate these individuals. The closest accessible BART station is the Civic Center station cated at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been esignated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 owntown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines re the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

overnment's duty is to serve the public, reaching its decisions in full view of the public. ommissions, boards, councils and other agencies of the City and County exist to conduct the eople's business. This ordinance assures that deliberations are conducted before the people and at City operations are open to the people's review.

or more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco dministrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task orce: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett lace, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 6, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, Commissioner Douglas Shoemaker, Commissioner Hisashi Sugaya, and Commissioner Sabrina Saunders.

Catharine Barnes, Deputy City Attorney (DCA); Jonas Ionin, for the Planning Dept. (PD) & the Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (CBI DBI); Naomi Little, Executive Director of the Taxi Commission (TC); Robert Feldman, Executive Secretary and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

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ABSENT: Vice President Kathleen Harrington.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Mark Gruberg of the UTW reported to the Board on the taxi measure which the Supervisors are putting on the ballot, which will be to the benefit of medallion holders and the detriment of drivers.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

3) **ADDENDUM ITEMS:**

3A) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Taxi medallion No(s). 1181
Revocation took effect March 25, 2003
Last Day to Appeal was April 9, 2003
Jurisdiction Request Received July 1, 2003

Letter from Lando Siu, requestor, asking that the Board take jurisdiction over the Taxi Commission's revocation of medallion no. 1181.
Note: The requestor filed an appeal of the Taxi Commission's revocation (Appeal No. 03-052), and the Board held a hearing on June 4, 2003 and the revocation was upheld. The rehearing period lapsed with no rehearing request filed, and a Notice of Decision & Order was issued, terminating the Board's jurisdiction. The requestor has filed this jurisdiction request asking the Board to grant him a second 10-day rehearing period and the opportunity to request a rehearing. If this request is granted, the Board may consider the rehearing request for Appeal No(s). 03-052 as addendum item 3B.

3B) **REHEARING REQUEST:** Taxi Medallion No(s). 1181
Appeal No(s). 03-052
Siu vs. Taxi Commission

If the foregoing jurisdiction request (addendum item 3A) is granted, then this rehearing request may proceed: Letter from Lando Siu, Appellant(s), requesting rehearing of Appeal No(s). 03-052, decided June 4, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the revocation and instead impose a 3-month suspension of the subject medallion. Four votes being required under Charter § 4.106 to overturn or modify a departmental action, the motion failed, and the Taxi Commission's revocation was upheld.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Vice President Harrington absent) to reschedule both matters to Sept. 17, 2003.

SPEAKERS: Lando Siu, requestor/appellant, asked the Board to reschedule his requests to a meeting attended by all five Commissioners.

3C) **REHEARING REQUEST:** Taxi Medallion No(s). 129
Appeal No(s). 02-020
Adams vs. Taxi Commission

Letter from John Feldmann III, Attorney for David Adams, Appellant(s), requesting rehearing of Appeal No(s). 02-020, decided June 25, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the Taxi Commission and add the appellant's name to the subject medallion. Four votes being required under Charter § 4.106 to overturn or modify a departmental action, the motion failed, and the Taxi Commission's denial of the request to add the appellant's name to medallion no. 129 was upheld.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Vice President Harrington absent) to reschedule the rehearing request to Oct. 22, 2003.

SPEAKERS: John Feldmann, attorney for appellant/requestor, asked the Board to reschedule the request to a meeting with all five Commissioners present. Naomi Little, ED TC, did not object to the rescheduling request.

(3D) **ADOPTION OF FINDINGS:** 3251-3253 Steiner St. / 2205 Lombard St.
Appeal No(s). 03-036
Clear Channel vs. DBI, PDA

Proposed findings submitted by Brett Gladstone, attorney for Permit Holder Margaret Pocoroba, by Jared Eigerman, attorney for Appellant Clear Channel, and by Deputy City Attorney Catharine Barnes. For discussion and adoption.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Vice President Harrington absent) to reschedule the matter to Oct. 8, 2003.

SPEAKERS: Jim Reuben, attorney for appellant, asked the Board to reschedule the matter to a meeting with all five Commissioners present, and he reported that the negotiations between the parties have not been successful. Brett Gladstone, attorney for permit holder, said he opposes a continuance of this matter since this is the 4th or 5th continuance and that no settlement seems possible.

(4) **APPEAL NO. 03-027**

JOEL HOLLANDER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on February 3, 2003, of taxi medallion No(s). 884. RESOLUTION NO. 2003-02. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Vice President Harrington absent) to reschedule the appeal to Oct. 8, 2003.

SPEAKERS: None.

(5) **APPEAL NO. 03-075**

DANNY FONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2620 Vicente Street. Protesting the issuance on May 13, 2003, to Si Fang Zhang, Site Permit to Alter a Building (on single-family house: rear extension, two-stories, consisting of 2 bedrooms on 1st floor, and a master bedroom and master bathroom on 2nd floor). APPLICATION NO. 2000/12/04/7076S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 2-2-1 (President Chin & Commissioner Shoemaker dissented, Vice President Harrington absent) to reschedule the matter to Sept. 17, 2003. 3 votes being required to reschedule a case, the motion failed, and the hearing went forward. Afterwards, upon motion by President Chin, the Board voted 4-0-1 (Vice President Harrington absent) to uphold the subject permit on condition that the addition be pulled back 6 feet, with bay windows to stay, and with an interior stairway to be added.

SPEAKERS: Danny Fong, appellant, asked the Board to reschedule the appeal to a time when all five members would be present, and when his request was denied, he explained why he opposes the permit holder's proposed rear addition, mainly because the additional bedrooms will generate more cars, which will be packed on the crowded street, and the project will result in the reduction in value of his and other neighbors' houses. Lincoln Lue, architect for permit holder, opposed a rescheduling and asked the Board to go forward; he went on to describe the project and the family needs, which require the additional space in the house. Jonas Ionin, PD, explained the requirements for such a project and said the plans comply with the Code and the matrix, which means the design is not conducive to the creation of an unlawful dwelling unit in the house. Vincent Fong, son of the permit holder, explained what the impact of the project will be on the neighbors and their parking needs. Public comment for appellant: Kevin To said he speaks for the neighbors who oppose the project and were unable to attend the hearing; he said the addition will extend too far into the rear yard of the lot, and will be too close to houses on adjoining properties. No public comment for permit holder.

(6) **APPEAL NO. 03-077**

MARK ONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	2545 Greenwich Street. Appealing the denial on May 28, 2003, of Permit to Alter a Building (interior modification to combine 2 units into 1 unit, resulting in a 2-unit building; no additional space is created; no exterior changes). APPLICATION NO. 2002/09/12/6333. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Vice President Harrington absent) to reschedule the appeal to Oct. 22, 2003.

SPEAKERS: Mark Ong, appellant, asked for a rescheduling to a meeting with a full Board.

(7) **APPEAL NO. 03-080**

EVELYN ELSESSER KAHL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	565 Diamond Street. Appealing a determination dated May 15, 2003, addressed to Stephen Johnson, that the non-conforming structure on the adjacent lot at 551-555 Diamond Street cannot be used for rear yard averaging so as to allow the rear expansion of the subject property because the said non-conforming structure is not a dwelling unit under Planning Code § 102. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Vice President Harrington absent) to reschedule the appeal to Sept. 17, 2003, and for this appeal to be the first substantive matter on the agenda.

SPEAKERS: Jeremy Paul, agent for appellant, asked the Board to reschedule the appeal to a meeting with a full Board.

There being no further business President Chin adjourned the meeting at 6:41 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 27, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3A) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 2526 Greenwich Street
Permit was issued on June 17, 2002
Last day to appeal was July 2, 2002
Jur. request received on July 7, 2003

Letter from Eve Soloman, requestor, asking that the Board take jurisdiction over Building Permit Application No(s). 2002/06/17/9232 for the purpose of filing a penalty appeal. Project: corrective action to remove kitchen in social hall as per NOV No(s). 200226509.

(3B) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 762 Colby Street
Permit was issued on April 30, 2003
Last day to appeal was May 15, 2003
Jur. request received on August 6, 2003

Letter from Lindy Ng, Requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2003/04/30/3516. Project: remove illegal kitchen at ground floor and a spiral stair between 1st and 2nd floors; complaint #200008712. Permit Holder(s): Bailey Yang.

(3C) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 330 – 25th Avenue
Permit issued on May 12, 2003
Last day to appeal was May 27, 2003
Jurisdiction request received on August 18, 2003

Letter from Janet Codor and Charles Hoffman, asking that the Board take jurisdiction over Building Permit Application No(s). 2000/04/05/6504S.
Note: The requestors filed an appeal of the issuance of the subject demolition and site permit (Appeal Nos. 03-071/072) and the Board held a hearing on July 9, 2003 and voted 5-0 to uphold the demolition permit without conditions, and to uphold the site permit on condition that the exterior wall be reduced by 4 feet on all 3 floors, with the fire escape to remain. No request for rehearing was filed within 10 days of the Board's decision, and the Notice of Decision was released on July 28, 2003, ending the Board's jurisdiction in this matter. The requestors have filed this jurisdiction request for the purpose of obtaining clarification on the Board's conditions and/or for the purpose of obtaining a second 10-day rehearing period. If this request is granted, the Board may consider the rehearing request for Appeal No(s). 03-071/072 as addendum item 3D.

(3D) **REHEARING REQUEST:** 330 – 25th Avenue
Appeal No(s). 03-071/072
Codor & Hoffman vs. DBI, PDA

Letter from Janet Codor and Charles Hoffman, requesting rehearing of Appeal No(s). 03-071/072, decided July 9, 2003. At that time, upon motion by President Chin, the Board voted 5-0 to uphold the demolition permit without conditions, and to uphold the site permit on condition that the exterior wall be reduced by 4 feet on all 3 floors, with the fire escape to remain. Project: demolish a two-story single family house with 1400sf of ground floor area, and construct a three-story, two-unit condominium building with 2060sf of ground floor area. Permit Holder(s): Michael Chan.

(4) **CONSENT ITEMS (DBI PENALTY):**

With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) **APPEAL NO. 03-074**

ROBERT BOUCHER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	5587 Diamond Heights Blvd. Appeal for refund of penalty imposed on May 27, 2003, for work done without a permit (on single-family house: replace two-level existing deck). APPLICATION NO. 2002/08/23/4747. FOR HEARING TODAY.

(5) **APPEAL NO. 03-090**

RICHARD CHICOTEL, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	740 Church Street. Appealing a decision dated May 22, 2003, issuing a Permit to Remove & Replace Two Trees, & denying a Permit to Remove & Replace 4 Trees. ORDER NO. 174,139. FOR HEARING TODAY.

(6) **APPEAL NO. 03-092**

CARL E. OLSON, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	Northwest Corner of Haight & Masonic. Protesting the issuance on May 28, 2003, to JC Decaux San Francisco Inc., Automatic Public Toilet Permit. ORDER NO. 174,167. PERMIT NO. 03PT-001. FOR HEARING TODAY.

(7) **APPEAL NO. 03-104**

JOE WYMAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	Various Locations on Broadway & Embarcadero. Protesting the issuance on June 20, 2003, to One Reel/Teatro Zinzanni, Street Use Banners Permit. ORDER NO. 165,292. PERMIT NO. 03B-032. FOR HEARING TODAY.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 03-056**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on March 27, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: install 5' high fence on side of front yard, treated vertical posts on 4' centers, redwood lattice full height between verticals, pre-formed 3' metal footings driven into ground floor for verticals, capped by treated 2" X 4" (on side) tying 5 posts together; 8'6" free standing; rest next to building) APPLICATION NO. 2003/03/27/0836. FOR HEARING TODAY.

(8B) **APPEAL NO. 03-067**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on May 2, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: rebuild existing rear stairs in-kind). APPLICATION NO. 2003/05/02/3742. FOR HEARING TODAY.

(9) **APPEAL NO. 03-089**

WILLIAM SCHMETTERER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	854 Stanyan Street. Appealing the denial on May 23, 2003 of Permit to Alter a Building (on residential/office building: legalize use change on 2nd floor from single-family dwelling to office (non-profit institution); no physical alteration and no T.I. work). APPLICATION NO. 2002/01/31/8143. FOR HEARING TODAY.

(10) **APPEAL NO. V03-094**

GUY LANSING NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	40-50 Lansing Street a.k.a. 35 Guy Place. Protesting the granting on June 3, 2003, to Lambert Development LLC, Dwelling Unit Exposure, Freight Loading, Setback, Street Frontage Use Requirements, & Above Grade Parking Within 25 Feet of Street Variance(s) (to demolish the existing building and construct 82 residential units with 82 accessory parking spaces (plus an additional car share space) in a single 84 foot tall building). VARIANCE CASE NO. 2002.0446CEKV FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: Aug. 21st, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber, 415-506-0430.

Audiotapes of meetings may be obtained from the Board office. Please telephone 575-6880 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 27, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Kathleen Harrington, Commissioner Douglas Shoemaker, Commissioner Hisashi Sugaya, and Commissioner Sabrina Saunders.

Catharine Barnes, Deputy City Attorney (DCA); Craig NIkitas, for the Planning Dept. (PD) & the Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (CBI DBI); Tony Wolcott, Acting Urban Forester, DPW Bur. of Urban Forestry (AUF, DPW BUF)); Robert Feldman, Executive Secretary and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

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ABSENT: President Arnold Chin.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Andrew Eckers asked the Board to save old historical buildings and cottages, and not approve new buildings that negatively impact them.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:**

(3A) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 2526 Greenwich Street
Permit was issued on June 17, 2002
Last day to appeal was July 2, 2002
Jur. request received on July 7, 2003

Letter from Eve Soloman, requestor, asking that the Board take jurisdiction over Building Permit Application No(s). 2002/06/17/9232 for the purpose of filing a penalty appeal. Project: corrective action to remove kitchen in social hall as per NOV No(s). 200226509.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (President Chin absent) to grant the jurisdiction request.

SPEAKERS: Eve Solomon, requestor, explained that she hadn't known of the Board's existence when the penalty was imposed and asked the Board to allow her to file an appeal now. She said the penalty was $9800. Laurence Kornfield, CBI DBI, said the department has no objection to the request.

(3B) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 762 Colby Street
Permit was issued on April 30, 2003
Last day to appeal was May 15, 2003
Jur. request received on August 6, 2003

Letter from Lindy Ng, Requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2003/04/30/3516. Project: remove illegal kitchen at ground floor and a spiral stair between 1st and 2nd floors; complaint #200008712. Permit Holder(s): Bailey Yang.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 3-0-2 (President Chin & Commissioner Saunders absent) to reschedule the request to October 1, 2003 at the request of the parties.

SPEAKERS: None.

(3C) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 330 – 25th Avenue
Permit issued on May 12, 2003
Last day to appeal was May 27, 2003
Jurisdiction request received on August 18, 2003

Letter from Janet Codor and Charles Hoffman, asking that the Board take jurisdiction over Building Permit Application No(s). 2000/04/05/6504S.
Note: The requestors filed an appeal of the issuance of the subject demolition and site permit (Appeal Nos. 03-071/072) and the Board held a hearing on July 9, 2003 and voted 5-0 to uphold the demolition permit without conditions, and to uphold the site permit on condition that the exterior wall be reduced by 4 feet on all 3 floors, with the fire escape to remain. No request for rehearing was filed within 10 days of the Board's decision, and the Notice of Decision was released on July 28, 2003, ending the Board's jurisdiction in this matter. The requestors have filed this jurisdiction request for the purpose of obtaining clarification on the Board's conditions and/or for the purpose of obtaining a second 10-day rehearing period. If this request is granted, the Board may consider the rehearing request for Appeal No(s). 03-071/072 as addendum item 3D.

(3D) **REHEARING REQUEST:** 330 – 25th Avenue
Appeal No(s). 03-071/072
Codor & Hoffman vs. DBI, PDA

Letter from Janet Codor and Charles Hoffman, requesting rehearing of Appeal No(s). 03-071/072, decided July 9, 2003. At that time, upon motion by President Chin, the Board voted 5-0 to uphold the demolition permit without conditions, and to uphold the site permit on condition that the exterior wall be reduced by 4 feet on all 3 floors, with the fire escape to remain. Project: demolish a two-story single family house with 1400sf of ground floor area, and construct a three-story, two-unit condominium building with 2060sf of ground floor area. Permit Holder(s): Michael Chan.

ACTION: Upon motion by Commissioner Saunders, the Board voted 3-1-1 (President Chin absent, Commissioner Sugaya dissented) to reschedule these requests to Sept. 17, 2003.

SPEAKERS: Charles Hoffman, co-appellant, asked the Board to clarify its decision of July 9, 2003 and explained his understanding of it. Janet Codor, co-appellant, supported Mr. Hoffman and explained her view of the Board's conditions. Amy Yu, for permit holder Michael Chan, asked the Board not to grant a rehearing and explained her family's need for the project. No public comment.

(4) **CONSENT ITEMS (DBI PENALTY):**

With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) **APPEAL NO. 03-074**

ROBERT BOUCHER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	5587 Diamond Heights Blvd. Appeal for refund of penalty imposed on May 27, 2003, for work done without a permit (on single-family house: replace two-level existing deck). APPLICATION NO. 2002/08/23/4747. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-0-1 (President Chin absent) to reduce the subject penalty to two times the regular fee.

SPEAKERS: Robert Boucher, appellant, asked the Board to reduce the penalty for the reason he was not aware of the permit requirement, and his contractor was supposed to take care of the whole project. Laurence Kornfield, CBI DBI, said that this case does not fit the guidelines that would allow the department to delete the penalty. He added that a licensed contractor is expected to know the regulations and permit process. No public comment.

(5) **APPEAL NO. 03-090**

RICHARD CHICOTEL, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	740 Church Street. Appealing a decision dated May 22, 2003, issuing a Permit to Remove & Replace Two Trees, & denying a Permit to Remove & Replace 4 Trees. ORDER NO. 174,139. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 3-1-1 (Commissioner Shoemaker dissented, President Chin absent) to uphold the decision of the Bureau of Urban Forestry except for the portion denying the removal and replacement of the eucalyptus tree. Four votes being required under Charter §4.106 to overturn or modify a departmental action, the motion failed, and the entire decision was upheld without any modifications.

SPEAKERS: Tony Wolcott, AUF, DPW BUF, explained the decision regarding the seven trees that the appellant wants to replace, and why the department denied the request to replace four trees. Jeremy Paul, agent for appellant, asked the Board to allow the removal and replacement of the trees so that appropriate species can be planted that will enhance the streetscape. He described how PG & E has damaged trees with their hacking. He said his client wants to replace four of the trees. No public comment.

(6) **APPEAL NO. 03-092**

CARL E. OLSON, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	Northwest Corner of Haight & Masonic. Protesting the issuance on May 28, 2003, to JC Decaux San Francisco Inc., Automatic Public Toilet Permit. ORDER NO. 174,167. PERMIT NO. 03PT-001. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 3-0-2 (President Chin & Commissioner Saunders absent) to reschedule the appeal to October 8, 2003 at the prior written request of the parties.

SPEAKERS: None.

(7) **APPEAL NO. 03-104**

JOE WYMAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	Various Locations on Broadway & Embarcadero. Protesting the issuance on June 20, 2003, to One Reel/Teatro Zinzanni, Street Use Banners Permit. ORDER NO. 165,292. PERMIT NO. 03B-032. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 3-0-2 (President Chin & Commissioner Saunders absent) to reschedule the appeal to Sept. 17, 2003.

SPEAKERS: Joe Wyman, appellant, requested a rescheduling so that a full Board could hear his case. Juan Rivera, agent for permit holder, objected to the rescheduling.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 03-056**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on March 27, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: install 5' high fence on side of front yard, treated vertical posts on 4' centers, redwood lattice full height between verticals, pre-formed 3' metal footings driven into ground floor for verticals, capped by treated 2" X 4" (on side) tying 5 posts together; 8'6" free standing; rest next to building) APPLICATION NO. 2003/03/27/0836. FOR HEARING TODAY.

(8B) **APPEAL NO. 03-067**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on May 2, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: rebuild existing rear stairs in-kind). APPLICATION NO. 2003/05/02/3742. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 3-0-2 (President Chin & Commissioner Saunders absent) to reschedule the appeal to Sept. 17, 2003.

SPEAKERS: Raymond Erlach, attorney for appellant, requested a new hearing date when a full Board would be present. Alan Freebury, permit holder, did not object to the request.

(9) **APPEAL NO. 03-089**

WILLIAM SCHMETTERER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	854 Stanyan Street. Appealing the denial on May 23, 2003 of Permit to Alter a Building (on residential/office building: legalize use change on 2nd floor from single-family dwelling to office (non-profit institution); no physical alteration and no T.I. work). APPLICATION NO. 2002/01/31/8143. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-0-1 (President Chin absent) to overrule the denial, grant the permit and adopt findings as submitted by the appellant's attorney with amendments.

SPEAKERS: Craig Nikitas, PD, said he had no being objection to being overruled based on the new data supplied to the department. Brett Gladstone, attorney for appellant, submitted proposed findings to support a Board decision to overrule the ZA. He said the 2nd floor is used for educational purposes. Public comment for appellant: David Smith, founder of the Haight-Ashbury Free Clinic, explained the use of the 2nd floor, and asked the Board to allow it to continue. Rick Pavich of the National AIDS Grove explained how the space is needed to support the maintenance of the grove in Golden Gate Park. Catharine Barnes, DCA, OCA, suggested amendments to the proposed findings.

(10) **APPEAL NO. V03-094**

GUY LANSING NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	40-50 Lansing Street a.k.a. 35 Guy Place. Protesting the granting on June 3, 2003, to Lambert Development LLC, Dwelling Unit Exposure, Freight Loading, Setback, Street Frontage Use Requirements, & Above Grade Parking Within 25 Feet of Street Variance(s) (to demolish the existing building and construct 82 residential units with 82 accessory parking spaces (plus an additional car share space) in a single 84 foot tall building). VARIANCE CASE NO. 2002.0446CEKV FOR HEARING TODAY.

ACTION: Appeal withdrawn prior to hearing by the appellant(s).

There being no further business President Chin adjourned the meeting at 6:34 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPT. 17, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3A) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Taxi medallion No(s). 1181
Revocation took effect March 25, 2003
Last Day to Appeal was April 9, 2003
Jurisdiction Request Received July 1, 2003

Letter from Lando Siu, requestor, asking that the Board take jurisdiction over the Taxi Commission's revocation of medallion no. 1181.
Note: The requestor filed an appeal of the Taxi Commission's revocation (Appeal No. 03-052), and the Board held a hearing on June 4, 2003 where the revocation was upheld. The rehearing period lapsed with no rehearing request filed, and a Notice of Decision & Order was issued, terminating the Board's jurisdiction. The requestor has filed this jurisdiction request asking the Board to grant him a second 10-day rehearing period and the opportunity to request a rehearing. If this request is granted, the Board may consider the rehearing request for Appeal No(s). 03-052 as addendum item 3B.

(3B) **REHEARING REQUEST:** Taxi Medallion No(s). 1181
Appeal No(s). 03-052
Siu vs. Taxi Commission

If the foregoing jurisdiction request (addendum item 3A) is granted, then this rehearing request may proceed: Letter from Lando Siu, Appellant(s), requesting rehearing of Appeal No(s). 03-052, decided June 4, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the revocation and instead impose a 3-month suspension of the subject medallion. Four votes being required under Charter § 4.106 to overturn or modify a departmental action, the motion failed, and the Taxi Commission's revocation was upheld.

(3C) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 737 Pine Street
ZA determination was issued July 7, 2003
Last day to appeal was July 22, 2003
Jurisdiction request received August 15, 2003

Letter from Niall MacCormack, agent for Jessika deTrinidad, requestor(s), asking that the Board take jurisdiction over a determination by the Zoning Administrator for the property referenced above. Determination: the proposed conversion of storage space to a dwelling unit in this 39-unit apartment building would constitute an intensification of a legal non-conforming use, which is prohibited under Planning Code § 181(a).

(3D) **REHEARING REQUEST:** 438 – 21st Avenue
Appeal No(s). 03-098/099
McCallum vs. DBI, PDA

Letter from Millie McCallum, appellant, requesting rehearing of Appeal No(s). 03-098/099, decided July 23, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 4-0-1 (Commissioner Shoemaker absent) to uphold both the demolition permit and site permit on condition that the sound-proofing inspection report be given to the appellant. Project: demolition of a 3-story single family dwelling with 900sf of ground floor area, and construction of a 4-story, 2-unit building with 1,656sf of ground floor area. Permit Holder(s): Sze-Hoi Yip.

(3E) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 498 Beach Street
DPW BSM order dated May 5, 2003
Last day to appeal was May 20, 2003
Jurisdiction request received August 22, 2003

Letter from Ulysses Napuri, Requestor(s), asking that the Board take jurisdiction over Dept. of Public Works Bureau of Street Use & Mapping (DPW BSM) Order No(s). 174,096, denying an application for a Sidewalk Display Merchandise Permit at the subject property.

(3F) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 330 – 25th Avenue
Permit issued on May 12, 2003
Last day to appeal was May 27, 2003
Jurisdiction request received on August 18, 2003

Letter from Janet Codor and Charles Hoffman, asking that the Board take jurisdiction over Building Permit Application No(s). 2000/04/05/6504S.
Note: The requestors filed an appeal of the issuance of the subject demolition and site permit (Appeal Nos. 03-071/072) and the Board held a hearing on July 9, 2003 and voted 5-0 to uphold the demolition permit without conditions, and to uphold the site permit on condition that the exterior wall be reduced by 4 feet in length on all 3 floors, with the fire escape to remain. No request for rehearing was filed within 10 days of the Board's decision, and the Notice of Decision was released on July 28, 2003, ending the Board's jurisdiction in this matter. The requestors have filed this jurisdiction request for the purpose of obtaining clarification on the Board's conditions and/or for the purpose of obtaining a second 10-day rehearing period. If this request is granted, the Board may consider the rehearing request for Appeal No(s). 03-071/072 as addendum item 3G.

(3G) **REHEARING REQUEST:** 330 – 25th Avenue
Appeal No(s). 03-071/072
Codor & Hoffman vs. DBI, PDA

Letter from Janet Codor and Charles Hoffman, requesting rehearing of Appeal No(s). 03-071/072, decided July 9, 2003. At that time, upon motion by President Chin, the Board voted 5-0 to uphold the demolition permit without conditions, and to uphold the site permit on condition that the exterior wall be reduced by 4 feet in length on all 3 floors, with the fire escape to remain. Project: demolish a two-story single family house with 1400sf of ground floor area, and construct a three-story, two-unit condominium building with 2060sf of ground floor area. Permit Holder(s): Michael Chan.

(4) **APPEAL NO. 03-080**

EVELYN ELSESSER KAHL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	565 Diamond Street. Appealing a determination dated May 15, 2003, addressed to Stephen Johnson, that the non-conforming structure on the adjacent lot at 551-555 Diamond Street cannot be used for rear yard averaging so as to allow the rear expansion of the subject property because the non-conforming structure is not a dwelling unit under Planning Code § 102. FOR HEARING TODAY.

(5) **APPEAL NO. 03-088**

DONNA ROBERTS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	303 Cortland Avenue. Appealing the denial on May 22, 2003, of Permit to Remove & Replace One Tree. ORDER NO. 174,140. FOR HEARING TODAY.

(6) **APPEAL NO. 03-104**

JOE WYMAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	Various Locations on Broadway & Embarcadero. Protesting the issuance on June 20, 2003, to One Reel/Teatro Zinzanni, Street Use Banners Permit. ORDER NO. 165,292. PERMIT NO. 03B-032. FOR HEARING TODAY.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 03-056**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on March 27, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: install 5' high fence on side of front yard, treated vertical posts on 4' centers, redwood lattice full height between verticals, pre-formed 3' metal footings driven into ground floor for verticals, capped by treated 2" X 4" (on side) tying 5 posts together; 8'6" free standing; rest next to building) APPLICATION NO. 2003/03/27/0836. FOR HEARING TODAY.

(7B) **APPEAL NO. 03-067**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on May 2, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: rebuild existing rear stairs in-kind). APPLICATION NO. 2003/05/02/3742. FOR HEARING TODAY.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 03-064**

TAMMY HO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1059-1061 Market Street. Appealing a Permit Suspension Request dated April 24, 2003, asking that Building Permit Application No(s). 2000/05/15/0050 be suspended because the project (conversion of 39,000sf of light industrial space into office space) was not referred to the Planning Department for appropriate review or for the required public hearing before the Planning Commission, in violation of Planning Code § 321. FOR HEARING TODAY.

(8B) **APPEAL NO. 03-115**

TAMMY HO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1059-1061 Market Street. Appealing the suspension on May 12, 2003 of Building Permit Application No(s). 2000/05/15/0050, 2001/09/25/9156, 2001/09/26/9258, 2001/12/18/5501, 2002/02/26/0121, 2002/02/26/0114, 2002/05/14/6517, 2002/07/11/1182, 2002/08/08/3541, 2002/08/16/4177, 2002/10/18/9329, & 2002/10/18/9328 (conversion of 39,000sf of light industrial space into office space, and various tenant improvements) for the reason that the Planning Department believes these permits were issued in error because they were not routed to the Planning Department for review and a required public hearing in violation of Planning Code § 321. JURISDICTION GRANTED JULY 9, 2003. FOR HEARING TODAY.

(9) **APPEAL NO. 03-087**

BILL & LUBA GOWER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2250 Jackson Street. Appealing a determination dated May 20, 2003, addressed to Gary Bell, that the legal use of the subject property is a 5-unit apartment building based on available prior building permits and land use records. FOR HEARING TODAY.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 03-096**

EVELYN WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1331 Green Street. Protesting the issuance on June 3, 2003, to Stephen Goldstine, Permit to Erect a Building (one-story single-family dwelling with 523sf of ground floor area). APPLICATION NO. 2001/03/30/5663. FOR HEARING TODAY.

(10B) **APPEAL NO. 03-097**

TAMI TWAROG & ELIZABETH WRIGHT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1331 Green Street. Protesting the issuance on June 3, 2003, to Stephen Goldstine, Permit to Erect a Building (one-story single-family dwelling with 523sf of ground floor area). APPLICATION NO. 2001/03/30/5663. FOR HEARING TODAY.

(11) **APPEAL NO. 03-103**

RONALD YOUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	290 Beacon Street. Protesting the issuance on June 17, 2003, to David Ehrlich, Permit to Alter a Building (on single-family house: new deck extension, new kitchen, replace sliding doors, rear façade and windows, new skylight in kitchen and study, and a new fireplace). APPLICATION NO. 2002/09/12/6372. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: August 28th, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
KATHLEEN HARRINGTON	**VICE PRESIDENT**
SABRINA N. SAUNDERS	**COMMISSIONER**
DOUGLAS SHOEMAKER	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPT. 17, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

103

PRESENT: President Arnold Chin, Vice President Kathleen Harrington, Commissioner Douglas Shoemaker, Commissioner Hisashi Sugaya, and Commissioner Sabrina Saunders.

Catharine Barnes, Deputy City Attorney (DCA); Jonas Ionin, for the Planning Dept. (PD) & the Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (CBI DBI); Tony Wolcott, Acting Urban Forester, DPW Bur. of Urban Forestry (AUF, DPW BUF)); Robert Feldman, Executive Secretary and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:**

(3A) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Taxi medallion No(s). 1181
Revocation took effect March 25, 2003
Last Day to Appeal was April 9, 2003
Jurisdiction Request Received July 1, 2003

Letter from Lando Siu, requestor, asking that the Board take jurisdiction over the Taxi Commission's revocation of medallion no. 1181.
Note: The requestor filed an appeal of the Taxi Commission's revocation (Appeal No. 03-052), and the Board held a hearing on June 4, 2003 where the revocation was upheld. The rehearing period lapsed with no rehearing request filed, and a Notice of Decision & Order was issued, terminating the Board's jurisdiction. The requestor has filed this jurisdiction request asking the Board to grant him a second 10-day rehearing period and the opportunity to request a rehearing. If this request is granted, the Board may consider the rehearing request for Appeal No(s). 03-052 as addendum item 3B.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-1 (Commissioner Sugaya dissented) to grant the jurisdiction request.

(3B) **REHEARING REQUEST:** Taxi Medallion No(s). 1181
Appeal No(s). 03-052
Siu vs. Taxi Commission

If the foregoing jurisdiction request (addendum item 3A) is granted, then this rehearing request may proceed: Letter from Lando Siu, Appellant(s), requesting rehearing of Appeal No(s). 03-052, decided June 4, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the revocation and instead impose a 3-month suspension of the subject medallion. Four votes being required under Charter § 4.106 to overturn or modify a departmental action, the motion failed, and the Taxi Commission's revocation was upheld.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-1 (Commissioner Sugaya dissented) to grant the rehearing request and set it for Nov. 12, 2003.

SPEAKERS: Lando Siu, appellant/requestor, said he has new evidence to submit if the Board grants him a rehearing, and he explained why he had not requested a rehearing within the 10-day period; he said next time he will have a lawyer. Naomi Little, ED TC, said she had no objection to the Board granting another 10-day rehearing request period, but she opposes the granting of a rehearing because the requestor has not offered any new evidence that would justify one.

No public comment.

(3C) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 737 Pine Street
ZA determination was issued July 7, 2003
Last day to appeal was July 22, 2003
Jurisdiction request received August 15, 2003

Letter from Niall MacCormack, agent for Jessika deTrinidad, requestor(s), asking that the Board take jurisdiction over a determination by the Zoning Administrator for the property referenced above. Determination: the proposed conversion of storage space to a dwelling unit in this 39-unit apartment building would constitute an intensification of a legal non-conforming use, which is prohibited under Planning Code § 181(a).

ACTION: Upon motion by President Chin, the Board voted 5-0 to grant the jurisdiction request.

SPEAKERS: Jessieka Detrinidad, requestor, said that her architect was in Ireland, and explained why they did not file an appeal on time while summarizing the arguments against the determination. Jonas Ionin, PD, said that the Department has no objection to the Board allowing a new 15-day appeal period. No public comment.

(3D) **REHEARING REQUEST:** 438 – 21st Avenue
Appeal No(s). 03-098/099
McCallum vs. DBI, PDA

Letter from Millie McCallum, appellant, requesting rehearing of Appeal No(s). 03-098/099, decided July 23, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 4-0-1 (Commissioner Shoemaker absent) to uphold both the demolition permit and site permit on condition that the sound-proofing inspection report be given to the appellant. Project: demolition of a 3-story single family dwelling with 900sf of ground floor area, and construction of a 4-story, 2-unit building with 1,656sf of ground floor area. Permit Holder(s): Sze-Hoi Yip.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-1 (Commissioner Shoemaker dissented) to deny the rehearing request.

SPEAKERS: Millie McCallum, appellant, asked the Board to grant a new hearing so that neighbors can support her new appeal, and she can get an estimate for skylights that she believes will cost more than the amount awarded to her by the Planning Commission, and upheld by the Board. Patrice Fambrini, agent for permit holder, asked the Board to deny the request since no new evidence was proposed that would justify a second hearing. She said the $7500 would probably cover three new skylights. No public comment.

(3E) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 498 Beach Street
DPW BSM order dated May 5, 2003
Last day to appeal was May 20, 2003
Jurisdiction request received August 22, 2003

Letter from Ulysses Napuri, Requestor(s), asking that the Board take jurisdiction over Dept. of Public Works Bureau of Street Use & Mapping (DPW BSM) Order No(s). 174,096, denying an application for a Sidewalk Display Merchandise Permit at the subject property.

ACTION: Upon motion by President Chin, the Board voted 5-0 to grant the jurisdiction request.

SPEAKERS: Maria Napuri, wife of requestor, explained that they ahd not filed an appeal on time because they were distracted by serious personal problems. Nick Elsner, DPW BSM, said he ahd no objection to allowing a new appeal period. No public comment.

(3F) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 330 – 25th Avenue
Permit issued on May 12, 2003
Last day to appeal was May 27, 2003
Jurisdiction request received on August 18, 2003

Letter from Janet Codor and Charles Hoffman, asking that the Board take jurisdiction over Building Permit Application No(s). 2000/04/05/6504S.
Note: The requestors filed an appeal of the issuance of the subject demolition and site permit (Appeal Nos. 03-071/072) and the Board held a hearing on July 9, 2003 and voted 5-0 to uphold the demolition permit without conditions, and to uphold the site permit on condition that the exterior wall be reduced by 4 feet in length on all 3 floors, with the fire escape to remain. No request for rehearing was filed within 10 days of the Board's decision, and the Notice of Decision was released on July 28, 2003, ending the Board's jurisdiction in this matter. The requestors have filed this jurisdiction request for the purpose of obtaining clarification on the Board's conditions and/or for the purpose of obtaining a second 10-day rehearing period. If this request is granted, the Board may consider the rehearing request for Appeal No(s). 03-071/072 as addendum item 3G.

(3G) **REHEARING REQUEST:** 330 – 25th Avenue
Appeal No(s). 03-071/072
Codor & Hoffman vs. DBI, PDA

Letter from Janet Codor and Charles Hoffman, requesting rehearing of Appeal No(s). 03-071/072, decided July 9, 2003. At that time, upon motion by President Chin, the Board voted 5-0 to uphold the demolition permit without conditions, and to uphold the site permit on condition that the exterior wall be reduced by 4 feet in length on all 3 floors, with the fire escape to remain. Project: demolish a two-story single family house with 1400sf of ground floor area, and construct a three-story, two-unit condominium building with 2060sf of ground floor area. Permit Holder(s): Michael Chan.

ACTION: Upon motion by President Chin, the Board voted 5-0 to grant the jurisdiction request. Afterwards, upon motion by President Chin, the Board voted 5-0 to clarify the Notice of Decision pursuant to the revised plan as agreed to by the parties.

SPEAKERS: Janet Codor, co-appellant, asked the Board to clarify their decision, and apologized for any comments at the last hearing that might have been construed as an attack on the character of a Commissioner. She said no aspersions were intended, and she and her co-appellant felt confident in the integrity of all the Commissioners. Michael Chan, permit holder, explained that he had submitted revised plans incorporating the revisions imposed by the Board. Amy Yu, wife of permit holder, said that they complied with the conditions, and asked the Board to deny the rehearing request. She said there was no more compromise possible because shortening the building any more would make the bedrooms too small. Gabriel Ng, agent for permit holder, asked the Board to explain exactly what it wanted, and agreed to meet with the appellants in the corridor to reach an agreement, and then to report back to the Board. After leaving the room with the appellants, they returned to the meeting and reported on their agreement. No public comment.

(4) **APPEAL NO. 03-080**

EVELYN ELSESSER KAHL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	565 Diamond Street. Appealing a determination dated May 15, 2003, addressed to Stephen Johnson, that the non-conforming structure on the adjacent lot at 551-555 Diamond Street cannot be used for rear yard averaging so as to allow the rear expansion of the subject property because the non-conforming structure is not a dwelling unit under Planning Code § 102. FOR HEARING TODAY.

ACTION: This appeal was withdrawn by the appellant prior to hearing.

(5) **APPEAL NO. 03-088**

DONNA ROBERTS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	303 Cortland Avenue. Appealing the denial on May 22, 2003, of Permit to Remove & Replace One Tree. ORDER NO. 174,140. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-1 (Commissioner Shoemaker dissented) overrule the denial, and grant the subject permit on condition that the replacement tree be suitable to DPW BUF.

SPEAKERS: Tony Wolcott, AUB, DPW BUF, explained why the application was denied, and described the condition of the subject tree, which he said was in generally good condition. He said

that this tree is maintained by the City because it is on the Bocana side of Cortland. Appellant did not appear, and no public comment.

(6) **APPEAL NO. 03-104**

JOE WYMAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	Various Locations on Broadway & Embarcadero. Protesting the issuance on June 20, 2003, to One Reel/Teatro Zinzanni, Street Use Banners Permit. ORDER NO. 165,292. PERMIT NO. 03B-032. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-1 (President Chin dissented) to uphold the subject permit.

SPEAKERS: Joe Wyman, appellant, said that the permit does not meet DPW guidelines and should be denied. Nick Elsner, DPW BSM, explained the history of the banner regulations under the Police Code and the Public Works Code, and described the new legislation in committee at the Board of Supervisors, which is intended to replace the DPW Order that set forth the guidelines now in place. Stanley Morris, agent for permit holder, said the permit does meet the guidelines, and asked the Board to uphold the permit. He also said they have committed some $30,000 for advertising of high quality. No public comment.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 03-056**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on March 27, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: install 5' high fence on side of front yard, treated vertical posts on 4' centers, redwood lattice full height between verticals, pre-formed 3' metal footings driven into ground floor for verticals, capped by treated 2" X 4" (on side) tying 5 posts together; 8'6" free standing; rest next to building) APPLICATION NO. 2003/03/27/0836. FOR HEARING TODAY.

(7B) **APPEAL NO. 03-067**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on May 2, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: rebuild existing rear stairs in-kind). APPLICATION NO. 2003/05/02/3742. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeals to Nov. 19, 2003 at the prior written request of the parties.

SPEAKERS: None.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 03-064**

TAMMY HO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1059-1061 Market Street. Appealing a Permit Suspension Request dated April 24, 2003, asking that Building Permit Application No(s). 2000/05/15/0050 be suspended because the project (conversion of 39,000sf of light industrial space into office space) was not referred to the Planning Department for appropriate review or for the required public hearing before the Planning Commission, in violation of Planning Code § 321. FOR HEARING TODAY.

ACTION: This appeal was withdrawn by the appellant.

(8B) **APPEAL NO. 03-115**

TAMMY HO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1059-1061 Market Street. Appealing the suspension on May 12, 2003 of Building Permit Application No(s). 2000/05/15/0050, 2001/09/25/9156, 2001/09/26/9258, 2001/12/18/5501, 2002/02/26/0121, 2002/02/26/0114, 2002/05/14/6517, 2002/07/11/1182, 2002/08/08/3541, 2002/08/16/4177, 2002/10/18/9329, & 2002/10/18/9328 (conversion of 39,000sf of light industrial space into office space, and various tenant improvements) for the reason that the Planning Department believes these permits were issued in error because they were not routed to the Planning Department for review and a required public hearing in violation of Planning Code § 321. JURISDICTION GRANTED JULY 9, 2003. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the appeal to the Indefinite Calendar at the request of the appellant.

SPEAKERS: Alice Barkley, attorney for appellant, explained why a rescheduling to the indefinite calendar was needed.

(9) **APPEAL NO. 03-087**

BILL & LUBA GOWER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2250 Jackson Street. Appealing a determination dated May 20, 2003, addressed to Gary Bell, that the legal use of the subject property is a 5-unit apartment building based on available prior building permits and land use records. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the appeal to December 17, 2003 at the prior written request of the parties.

SPEAKERS: None.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 03-096**

EVELYN WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1331 Green Street. Protesting the issuance on June 3, 2003, to Stephen Goldstine, Permit to Erect a Building (one-story single-family dwelling with 523sf of ground floor area). APPLICATION NO. 2001/03/30/5663. FOR HEARING TODAY.

(10B) **APPEAL NO. 03-097**

TAMI TWAROG & ELIZABETH WRIGHT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1331 Green Street. Protesting the issuance on June 3, 2003, to Stephen Goldstine, Permit to Erect a Building (one-story single-family dwelling with 523sf of ground floor area). APPLICATION NO. 2001/03/30/5663. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Vice President Harrington dissented) to reschedule the appeal to October 1, 2003 for a status report.

SPEAKERS: Claudine Cheng, attorney for co-appellant Evelyn Wong, asked the Board to reschedule the matter pending abatement of the newly issued NOV on the property. Elizabeth Wright and Tami Twarog, co-appellants, also asked for a rescheduling of the matter due to the NOV. David Cincotta, attorney for permit holder, objected to the rescheduling requests. Laurence Kornfield, CBI DBI, explained the nature and impact of the NOV.

(11) **APPEAL NO. 03-103**

RONALD YOUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	290 Beacon Street. Protesting the issuance on June 17, 2003, to David Ehrlich, Permit to Alter a Building (on single-family house: new deck extension, new kitchen, replace sliding doors, rear façade and windows, new skylight in kitchen and study, and a new fireplace). APPLICATION NO. 2002/09/12/6372. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to uphold the subject permit on condition that the light/air issues raised by Chief Inspector Kornfield be addressed via revised plans.

SPEAKERS: Ronald Young, appellant, explained how the proposal would block his view of a nearby tree, which is important to his wife. He asked the Board to downsize the proposed deck. David Ehrlich, permit holder, described the proposal and explained that in his view it would not have any substantial impact on the appellant. He also explained the compromises they have made, which have reduced the size of the proposed deck substantially. Laurence Kornfield, CBI DBI, said there are minor issues with the approved plans, and asked the Board to condition the permit with a requirement that the plans must be revised in compliance with the Code.

There being no further business President Chin adjourned the meeting at 8:14 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPT. 24, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

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(3) **ADDENDUM ITEMS:**

(3A) **REHEARING REQUEST:** Appeal No(s). 02-030,
50 – 8th Street
Foster Media vs. Zoning Administrator

Letter from Christopher Moscone, agent for Foster Media, Appellant, requesting rehearing of Appeal No(s). 02-030, decided June 19, 2002. Upon motion by Vice President McInerney, the Board voted 2-3 (Commissioner Cullum, Commissioner Saunders & Commissioner El Qadah dissented) to uphold the subject determination. Four votes being necessary to overturn any departmental action under Charter § 4.106, the motion passed and the subject determination was upheld. Determination: that the subject Building Permit Application for a general advertising sign is disapproved because the subject property is visible from, and located within 200 feet of the Market Street Special Sign District.

(4) **CONSENT ITEMS (DBI PENALTY):**

With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) **APPEAL NO. 03-102**

PETER BRATIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2874-2878 16th Street. Appeal for refund of penalty imposed on June 26, 2003, for work done without a permit (replace 4 rear windows; comply with NOV; replace existing and install new smoke detectors; remove lock from back basement door; replace 6 steps in backyard stairway; replace broken glass in back kitchen window; replace 2 dry rot boards; replace tiles in floor area; and replace 2 landing floors of T&G in front stairway). APPLICATION NO. 2003/06/26/8091. FOR HEARING TODAY.

(4B) **APPEAL NO. 03-105**

OKSU GORDON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	51 Margaret Avenue. Appealing the imposition of penalty on June 27, 2003, for work done without a permit (on single-family house: correct NOV No(s). 200338389, legalize rooms – family room, full bathroom and laundry room). APPLICATION NO. 2003/04/22/2793. FOR HEARING TODAY.

(5) **APPEAL NO. 03-044**

JOHN ARKEDER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on March 19, 2003, of taxicab medallion No. 1167. RESOLUTION NO. 2003-09. FOR HEARING TODAY.

(6) **APPEAL NO. 03-068**

JAMES NEILLY, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on April 23, 2003, of medallion No. 897. RESOLUTION NO. 2003-26. FOR HEARING TODAY.

(7) **APPEAL NO. 01-115**

THERESA ISSERMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	700 Vermont Street. Protesting issuance on June 20, 2001, to Raymond & Hazel Guaraglia, Permit to Alter a Building (demolish existing non-compliant residential units per Notice of Violation No. 200114983; remove all utilities to ground level; convert to original commercial space with no structural work to be done). APPLICATION NO. 2001/06/20/1935. PUBLIC TESTIMONY HEARD JUNE 19, 2002. FOR FURTHER CONSIDERATION TODAY.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 03-051**

KEN PAGE, VINCENT LEGER, & BUENA VISTA PARK LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	21 Buena Vista East Avenue. Appealing the determination dated March 19, 2003, addressed to Andrew Zacks, that the subject property has a legal authorized use of 14 residential guest rooms and 1 dwelling unit, that residential guest rooms constitute "group housing" under § 209.2 of the Planning Code, that this group housing constitutes a permitted conditional use since it was established prior to the enactment of Conditional Use (CU) requirements for said use, and that this permitted conditional use shall be considered abandoned 3 years from the last legal date of residency of the last resident of said guest rooms. FOR HEARING TODAY.

(8B) **APPEAL NO. 03-066**

KEN PAGE, VINCENT LEGER, & BUENA VISTA PARK LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	21 Buena Vista East Avenue. Appealing a determination dated April 24, 2003, addressed to Andrew Zacks, that the proposed physical modifications to various residential guest rooms at the subject property would result in less viable guest rooms and would constitute a partial conversion of the structure to single family-use from its current legal authorized use of 14 residential guest rooms and 1 dwelling unit, in violation of Planning Code. FOR HEARING TODAY.

(9) **APPEAL NO. 03-107**

KIFAYAT YUSUF, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION. APPROVAL	473 Leland Avenue. Appealing the denial on July 10, 2003, of Permit to Demolish a Building (one-story single-family dwelling with 885sf of ground floor area). APPLICATION NO. 2002/01/30/8121. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

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Date posted: Sept. 18th, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
KATHLEEN HARRINGTON	**VICE PRESIDENT**
SABRINA N. SAUNDERS	**COMMISSIONER**
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CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPT. 24, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, Vice President Kathleen Harrington, Commissioner Douglas Shoemaker, Commissioner Hisashi Sugaya, and Commissioner Sabrina Saunders.

Catharine Barnes, Deputy City Attorney (DCA); Julian Banales, for the Planning Dept. (PD) & the Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (CBI DBI); Robert Feldman, Executive Secretary and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: In response to questions from the Board, Laurence Kornfield, CBI DBI, explained the Building Code notice requirements for permit applications which could affect residential tenants, and Julian Banales, PD, explained the Planning Code notice requirements for alterations that might affect residential tenants and for ZA determinations. No public comment.

(3) **ADDENDUM ITEMS:**

(3A) **REHEARING REQUEST:** Appeal No(s). 02-030,
50 – 8th Street
Foster Media vs. Zoning Administrator

Letter from Christopher Moscone, agent for Foster Media, Appellant, requesting rehearing of Appeal No(s). 02-030, decided June 19, 2002. Upon motion by Vice President McInerney, the Board voted 2-3 (Commissioner Cullum, Commissioner Saunders & Commissioner El Qadah dissented) to uphold the subject determination. Four votes being necessary to overturn any departmental action under Charter § 4.106, the motion passed and the subject determination was upheld. Determination: that the subject Building Permit Application for a general advertising sign is disapproved because the subject property is visible from, and located within 200 feet of the Market Street Special Sign District.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the request to Nov. 12, 2003 at the written request of the parties.

SPEAKERS: None.

(4) **CONSENT ITEMS (DBI PENALTY):**

With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) **APPEAL NO. 03-102**

PETER BRATIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2874-2878 16th Street. Appeal for refund of penalty imposed on June 26, 2003, for work done without a permit (replace 4 rear windows; comply with NOV; replace existing and install new smoke detectors; remove lock from back basement door; replace 6 steps in backyard stairway; replace broken glass in back kitchen window; replace 2 dry rot boards; replace tiles in floor area; and replace 2 landing floors of T&G in front stairway). APPLICATION NO. 2003/06/26/8091. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reduce the subject penalty to two times the regular fee.

SPEAKERS: None; the department consented to the reduction.

(4B) **APPEAL NO. 03-105**

OKSU GORDON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	51 Margaret Avenue. Appealing the imposition of penalty on June 27, 2003, for work done without a permit (on single-family house: correct NOV No(s). 200338389, legalize rooms – family room, full bathroom and laundry room). APPLICATION NO. 2003/04/22/2793. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 5-0 to reduce the subject penalty to two times the regular fee.

SPEAKERS: Oksu Gordon, appellant, explained that her contractor was supposed to obtain any necessary permits but failed to do so, as well as leaving the project unfinished. Laurence Kornfield, CBI DBI, explained the Department's record of the project. No public comment.

(5) **APPEAL NO. 03-044**

JOHN ARKEDER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on March 19, 2003, of taxicab medallion No. 1167. RESOLUTION NO. 2003-09. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeal to Nov. 19, 2003 at the written request of the parties.

SPEAKERS: None.

(6) **APPEAL NO. 03-068**

JAMES NEILLY, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on April 23, 2003, of medallion No. 897. RESOLUTION NO. 2003-26. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeal to Nov. 19, 2003 at the written request of the parties.

SPEAKERS: None.

(7) **APPEAL NO. 01-115**

THERESA ISSERMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	700 Vermont Street. Protesting issuance on June 20, 2001, to Raymond & Hazel Guaraglia, Permit to Alter a Building (demolish existing non-compliant residential units per Notice of Violation No. 200114983; remove all utilities to ground level; convert to original commercial space with no structural work to be done). APPLICATION NO. 2001/06/20/1935. PUBLIC TESTIMONY HEARD JUNE 19, 2002. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeal to Nov. 19, 2003 at the written request of the parties.

SPEAKERS: None.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 03-051**

KEN PAGE, VINCENT LEGER, & BUENA VISTA PARK LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	21 Buena Vista East Avenue. Appealing the determination dated March 19, 2003, addressed to Andrew Zacks, that the subject property has a legal authorized use of 14 residential guest rooms and 1 dwelling unit, that residential guest rooms constitute "group housing" under § 209.2 of the Planning Code, that this group housing constitutes a permitted conditional use since it was established prior to the enactment of Conditional Use (CU) requirements for said use, and that this permitted conditional use shall be considered abandoned 3 years from the last legal date of residency of the last resident of said guest rooms. FOR HEARING TODAY.

(8B) **APPEAL NO. 03-066**

KEN PAGE, VINCENT LEGER, & BUENA VISTA PARK LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	21 Buena Vista East Avenue. Appealing a determination dated April 24, 2003, addressed to Andrew Zacks, that the proposed physical modifications to various residential guest rooms at the subject property would result in less viable guest rooms and would constitute a partial conversion of the structure to single family-use from its current legal authorized use of 14 residential guest rooms and 1 dwelling unit, in violation of Planning Code. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to continue the appeal to Nov. 19, 2003, with a brief from the City Attorney's office due by Oct. 29, 2003, and the appellants' rebuttal due by Nov. 12, 2003.

SPEAKERS: Julian Banales, PD, explained the two determinations and the process the appellant can use to reach his goal of converting the building into a one-family house. He said the legal use

of the building is 14 guest rooms and one dwelling unit as set forth on the 3-R report. Andrew Zacks, attorney for appellants, explained how the ZA has erred, and cited two appellate court opinions that support his argument. He said there is no reason for his clients' permit application to go back before the Planning Commission. Ken Page, co-appellant, described the present condition of the building, and said he found a pack of French rolled cigarettes from 1873 in the wall, and said that there were only four utility meters, with mold and leaky bathrooms. No public comment.

(9) **APPEAL NO. 03-107**

KIFAYAT YUSUF, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION. APPROVAL	473 Leland Avenue. Appealing the denial on July 10, 2003, of Permit to Demolish a Building (one-story single-family dwelling with 885sf of ground floor area). APPLICATION NO. 2002/01/30/8121. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 5-0 to continue the appeal to October 1, 2003.

SPEAKERS: Julian Banales, PD, explained why the Planning Commission denied the permit application for failure to meet the residential demolition guidelines. He said that the staff had recommended approval, and the Commission denied the application. Marianne Darbison, speaking for the appellant, said that the planner assigned to the case had said there is no evidence that the condition of the building is due to lack of maintenance by the owner, and that the configuration of the old building is not conducive to the privacy needs of the family, which total 7 people. No public comment.

There being no further business President Chin adjourned the meeting at 7:19 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 1, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3A) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 762 Colby Street
Permit was issued on April 30, 2003
Last day to appeal was May 15, 2003
Jur. request received on August 6, 2003

Letter from Lindy Ng, Requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2003/04/30/3516. Project: remove illegal kitchen at ground floor and a spiral stair between 1st and 2nd floors; complaint #200008712. Permit Holder(s): Bailey Yang.

(3B) **REHEARING REQUEST:** 740 Church Street
Appeal No(s). 03-090
Chicotel vs. DPW BUF

Letter from Jeremy Paul, agent for Richard Chicotel, appellant(s), requesting rehearing of Appeal No(s). 03-090, decided August 27, 2003. At that time, upon motion by Vice President Harrington, the Board voted 3-1-1 (Commissioner Shoemaker dissented, President Chin absent) to uphold the decision of the Bureau of Urban Forestry except for the portion denying the removal and replacement of the eucalyptus tree. Four votes being required under Charter §4.106 to overturn or modify a departmental action, the motion failed, and the entire decision was upheld without any modifications.

(4) **APPEAL NO. 03-107**

KIFAYAT YUSUF, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	473 Leland Avenue. Appealing the denial on July 10, 2003, of Permit to Demolish a Building (one-story single-family dwelling with 885sf of ground floor area). APPLICATION NO. 2002/01/30/8121. PUBLIC HEARING HELD SEPT. 24, 2003. FOR FURTHER CONSIDERATION TODAY.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 03-096**

EVELYN WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1331 Green Street. Protesting the issuance on June 3, 2003, to Stephen Goldstine, Permit to Erect a Building (one-story single-family dwelling with 523sf of ground floor area). APPLICATION NO. 2001/03/30/5663. FOR HEARING TODAY.

(5B) **APPEAL NO. 03-097**

TAMI TWAROG & ELIZABETH WRIGHT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1331 Green Street. Protesting the issuance on June 3, 2003, to Stephen Goldstine, Permit to Erect a Building (one-story single-family dwelling with 523sf of ground floor area). APPLICATION NO. 2001/03/30/5663. FOR HEARING TODAY.

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Date posted: Sept. 25th, 2003

MEMBERS OF THE BOARD OF APPEALS

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3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 1, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, Vice President Kathleen Harrington, Commissioner Douglas Shoemaker, Commissioner Hisashi Sugaya, and Commissioner Sabrina Saunders.

Catharine Barnes, Deputy City Attorney (DCA); Jim Nixon, Acting Zoning Administrator (AZA); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (SBI DBI); Tony Wolcott, Acting Urban Forester, DPW Bureau of Urban Forestry (AUF, DPW BUF); Robert Feldman, Executive Secretary and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:**

(3A) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 762 Colby Street
Permit was issued on April 30, 2003
Last day to appeal was May 15, 2003
Jur. request received on August 6, 2003

Letter from Lindy Ng, Requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2003/04/30/3516. Project: remove illegal kitchen at ground floor and a spiral stair between 1st and 2nd floors; complaint #200008712. Permit Holder(s): Bailey Yang.

ACTION: Upon motion by Vice President Harrington, the Board voted 5-0 to deny the jurisdiction request.

SPEAKERS: Frederik Emilson, attorney for permit holder, said the issues are in Superior Court, and that the requestor is trying to stall the process. His client is removing an illegal kitchen from the basement of a one-family house, and asks to be allowed to finish the job. The requestor did not appear. Sean Keighran, agent for permit holder, said the requestor was given several extensions of the eviction notice, and he asked the Board to deny the request to file a late appeal.

(3B) **REHEARING REQUEST:** 740 Church Street
Appeal No(s). 03-090
Chicotel vs. DPW BUF

Letter from Jeremy Paul, agent for Richard Chicotel, appellant(s), requesting rehearing of Appeal No(s). 03-090, decided August 27, 2003. At that time, upon motion by Vice President Harrington, the Board voted 3-1-1 (Commissioner Shoemaker dissented, President Chin absent) to uphold the decision of the Bureau of Urban Forestry except for the portion denying the removal and replacement of the eucalyptus tree. Four votes being required under Charter §4.106 to overturn or modify a departmental action, the motion failed, and the entire decision was upheld without any modifications.

ACTION: Upon motion by President Chin, the Board voted 4-1 (Commissioner Sugaya dissented) to grant the rehearing request, and set the rehearing for Oct. 8, 2003.

SPEAKERS: Jeremy Paul, agent for appellant, asked the Board to grant a rehearing so that the neighbors can testify at the hearing.

(4) **APPEAL NO. 03-107**

KIFAYAT YUSUF, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	473 Leland Avenue. Appealing the denial on July 10, 2003, of Permit to Demolish a Building (one-story single-family dwelling with 885sf of ground floor area). APPLICATION NO. 2002/01/30/8121. PUBLIC HEARING HELD SEPT. 24, 2003. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-1 (Commissioner Sugaya dissented) to overrule the Planning Commission, and grant the permit with findings read into the record by various Board members.

SPEAKERS: Jim Nixon, AZA, explained the Planning Commission's denial of the demolition permit, and the process of review, and the staff report. Bill Walters, agent for appellant, described the size of the rooms in the house, and said this is the fourth such project in the area, and that the project will be in harmony with the neighborhood. He said the existing rooms are too small for the family's needs, that present Code standards are tougher than those that were in effect when the house was built, and that rehabilitating it would be difficult. Marianne Darbison, agent for

appellant, reiterated her testimony from the first hearing, and said the configuration of the existing house, even if renovated, would not serve the family's needs. No public comment.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 03-096**

EVELYN WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1331 Green Street. Protesting the issuance on June 3, 2003, to Stephen Goldstine, Permit to Erect a Building (one-story single-family dwelling with 523sf of ground floor area). APPLICATION NO. 2001/03/30/5663. FOR HEARING TODAY.

(5B) **APPEAL NO. 03-097**

TAMI TWAROG & ELIZABETH WRIGHT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1331 Green Street. Protesting the issuance on June 3, 2003, to Stephen Goldstine, Permit to Erect a Building (one-story single-family dwelling with 523sf of ground floor area). APPLICATION NO. 2001/03/30/5663. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to reschedule the appeal to Nov. 12, 2003.

SPEAKERS: Leo McFadden, SBI DBI, gave a report on the status of the permit process for the correction of violations on the existing house at the rear of the property. He said the error to be rectified was made by the DBI, and is minor. Claudine Cheng, attorney for appellant Wong, asked the Board to continue both appeals to Nov. 12, 2003, a date she and the permit holder's attorney agreed to. David Cincotta, attorney for permit holder, said that the permit for correction of the record will be issued soon, and that the appellants will have an opportunity to appeal it as well, and that he agrees to a continuance to Nov. 12, 2003. Elizabeth Wright, co-appellant, said she feels blindsided by the continuance request, and that she thinks the case should be continued indefinitely until the matter of violations is cleared up since the Codes do not allow the approval of a permit for a project on property with outstanding violations. Tami Twarog, co-appellant, said the approval of any new permits are contingent on earlier variances and permits, and that the earlier conditions of approval of the earlier ones have not been met. Jim Nixon, AZA, said that the correction permit will be approved, and noticed to the neighbors, who can appeal it to the Board upon issuance.

There being no further business President Chin adjourned the meeting at 6:28 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 8, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3A) **ADOPTION OF FINDINGS:** 3251-3253 Steiner St. / 2205 Lombard St.
Appeal No(s). 03-036
Clear Channel vs. DBI, PDA

Proposed findings submitted by Brett Gladstone, attorney for Permit Holder Margaret Pocoroba, by Jared Eigerman, attorney for Appellant Clear Channel, and by Deputy City Attorney Catharine Barnes. For discussion and adoption.
Note: On June 4, 2003, the Board voted 4-1 (President Chin dissented) to uphold the subject permit. On July 9, 2003, the Board voted 4-1 (President Chin dissented) to deny the request for rehearing by the appellant. Project: reinstallation of two 12' X 24' signs as soon as the existing mixed commercial building is waterproofed; existing angle and lag at wall to remain in place during removal and reinstallation.

(4) **APPEAL NO. 03-027**

JOEL HOLLANDER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on February 3, 2003, of taxi medallion No(s). 884. RESOLUTION NO. 2003-02. FOR HEARING TODAY.

(5) **APPEAL NO. 03-111**

TIM F. TAYLOR, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on July 2, 2003, of Driver of Public Passenger Vehicle for Hire Permit No(s). 72523. RESOLUTION NO. 2003-31. FOR HEARING TODAY.

(6) **APPEAL NO. 03-090**

RICHARD CHICOTEL, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	740 Church Street. Appealing a decision dated May 22, 2003, issuing a Permit to Remove & Replace Two Trees, & denying a Permit to Remove & Replace 4 Trees. ORDER NO. 174,139. **Note:** On August 27, 2003, the Board upheld the decision of the DPW Bureau of Urban Forestry. On October 1, 2003, the Board voted to grant the rehearing request by the appellant. FOR REHEARING TODAY.

(7) **APPEAL NO. 03-112**

PAUL SEIGEL, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3214 Jackson Street. Appealing the denial on July 4, 2003, of a Permit to Remove & Replace Two (2) Trees. ORDER NO. 174,238. FOR HEARING TODAY.

(8) **APPEAL NO. 03-092**

CARL E. OLSON, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	Northwest Corner of Haight & Masonic. Protesting the issuance on May 28, 2003, to JC Decaux San Francisco Inc., Automatic Public Toilet Permit. ORDER NO. 174,167. PERMIT NO. 03PT-001. FOR HEARING TODAY.

(9) **APPEAL NO. V03-106**

ROGER LOTZ, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	561 Sanchez Street. Protesting the granting on June 24, 2003, to Gordon Atkinson (Subject Property Owner Gus Nelson), Rear Yard Variance (on single-family house: construction of a deck and stairs within the required rear yard of the existing, non-complying, single-family dwelling; the proposed deck would extend 3 feet to the north from the north building wall of the legal non-complying extension, 12 feet towards the rear with the stairs extending an additional 10 feet at the south side of the deck; no privacy screen is required). VARIANCE CASE NO. 2003.0040V. FOR HEARING TODAY.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 03-108**

TELEGRAPH HILL DWELLERS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner(s): BRIAN O'FLYNN & MARTIN COYNE	701 Lombard Street. Appealing a determination dated June 26, 2003, addressed to Paul Scott at the Telegraph Hill Dwellers, that the Mason Street frontage shall be used for measurement of height per Planning Code § 102.12(d), that a minimum of 2 building steps is required for measurement purposes per Planning Code § 260(a)(3), and that the rear of the lot for height measurement is located where the Lombard Street & Columbus Avenue frontages converge. FOR HEARING TODAY.

(10B) **APPEAL NO. V03-116**

TELEGRAPH HILL DWELLERS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner(s): BRIAN O'FLYNN & MARTIN COYNE	701 Lombard Street. Protesting the granting on July 17, 2003, to Bruce Baumann, Usable Open Space Variance (demolish existing parking lot and construct a new four-story mixed-use building with nine residential units, two small ground floor retail spaces at the Columbus Avenue building corners, and nine off-street parking spaces at the ground floor. VARIANCE CASE NO. 2003.0346V. FOR HEARING TODAY.

(11) **APPEAL NO. 03-109**

CAROL OPOTOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	32 Rivoli Street. Protesting the issuance on July 10, 2003, to Shelley Pope, Permit to Alter a Building (on single-family house: build apartment in basement which extends into backyard; remodel kitchen on main floor; add third floor; create a two-unit residential building). APPLICATION NO. 2002/04/12/3885S. FOR HEARING TODAY.

(12) **APPEAL NO. 03-110**

BENJAMIN GACUSAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	687 Moultrie Street. Protesting the issuance on July 8, 2003, to John Regan, Permit to Alter a Building (on single-family house: constructing a new garage). APPLICATION NO. 2002/07/30/2706. FOR HEARING TODAY.

(13) **APPEAL NO. 03-113**

NURIA ROCHA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	25 Teresita Boulevard. Protesting the issuance on July 7, 2003, to Richard Barboni, Site Permit to Alter a Building (on single-family house: add deck and solarium at rear). APPLICATION NO. 2002/11//25/2189S. FOR HEARING TODAY.

(14) **APPEAL NO. 03-114**

TOM WHELAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1441 Montgomery Street. Appealing a request dated July 7, 2003 for reinstatement of a suspended permit, addressed to Dept. of Building Inspection Director Frank Chiu, asking that Building Permit Application No(s). 2002/09/27/7630 (installation of a motorized chair lift) be reinstated because the Planning Commission has held a discretionary review (DR) hearing and approved the project as proposed. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: October 2nd, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
KATHLEEN HARRINGTON	**VICE PRESIDENT**
SABRINA N. SAUNDERS	**COMMISSIONER**
DOUGLAS SHOEMAKER	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 8, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, Vice President Kathleen Harrington, Commissioner Douglas Shoemaker, Commissioner Hisashi Sugaya, and Commissioner Sabrina Saunders.

Catharine Barnes, Deputy City Attorney (DCA); Craig Nikitas, for the Planning Dept. (PD) & the Zoning Administrator (ZA); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (SBI DBI); Naomi Little, Executive Director of the Taxi Commission (ED TC); Jacob Szeto for the Dept. of Public Works Bureau of Street-Use & Mapping (DPW BSM); Tony Wolcott, Acting Urban Forecter, Dept. of Public Works Bureau of Urban Forestry (AUF, DPW BUF); Robert Feldman, Executive Secretary and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Lu Blazej asked the Board to require that its conditions be strictly enforced in the review of revised plans for 2518 Union Street. He submitted a letter for the Board's file.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:**

(3A) **ADOPTION OF FINDINGS:** 3251-3253 Steiner St. / 2205 Lombard St.
Appeal No(s). 03-036
Clear Channel vs. DBI, PDA

Proposed findings submitted by Brett Gladstone, attorney for Permit Holder Margaret Pocoroba, by Jared Eigerman, attorney for Appellant Clear Channel, and by Deputy City Attorney Catharine Barnes. For discussion and adoption.
Note: On June 4, 2003, the Board voted 4-1 (President Chin dissented) to uphold the subject permit. On July 9, 2003, the Board voted 4-1 (President Chin dissented) to deny the request for rehearing by the appellant. Project: reinstallation of two 12' X 24' signs as soon as the existing mixed commercial building is waterproofed; existing angle and lag at wall to remain in place during removal and reinstallation.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-1 (President Chin dissented) to adopt the findings dated July 28, 2003 as submitted by Deputy City Attorney Cathy Barnes with no changes.

SPEAKERS: Brett Gladstone, attorney for permit holder, asked the Board to adopt the proposed findings submitted by the City Attorney's office. Jim Reuben, attorney for appellant, asked the Board to adopt findings that support their decision, just as judges do. Cathy Barnes, DCA, said that the Board is required to adopt findings in this case.

(4) **APPEAL NO. 03-027**

JOEL HOLLANDER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on February 3, 2003, of taxi medallion No(s). 884. RESOLUTION NO. 2003-02. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-1 (Commissioner Sugaya dissented) to overrule the revocation on condition that the subject medallion be suspended for 6 months.

SPEAKERS: Naomi Little, ED TC, explained the procedures now in place to accommodate disability exemption requests. This case though is one of fraud not legitimate disability. Appellant not present. Mark Gruberg, UTW, said the aggravating factor in this case is that the appellant did not full fill the driving requirements for four or five years and falsified documents. He asked the Board to uphold the revocation so that it will serve as a needed precedent. Barry Taranto, UTW, said that the appellant was formerly a dispatcher, and was very familiar with all the regulations, including the driving requirement.

(5) **APPEAL NO. 03-111**

TIM F. TAYLOR, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on July 2, 2003, of Driver of Public Passenger Vehicle for Hire Permit No(s). 72523. RESOLUTION NO. 2003-31. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to uphold the revocation of the subject permit.

SPEAKERS: Sgt. Vince Simpson, PD TD, described the incident that resulted in the revocation. He said the officer involved was present if the Board had questions concerning the incident. Tim Taylor, appellant, explained his side of the story, and spoke of the shadow culture of the Berkeley police. No public comment.

(6) **APPEAL NO. 03-090**

RICHARD CHICOTEL, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	740 Church Street. Appealing a decision dated May 22, 2003, issuing a Permit to Remove & Replace Two Trees, & denying a Permit to Remove & Replace 4 Trees. ORDER NO. 174,139. **Note:** On August 27, 2003, the Board upheld the decision of the DPW Bureau of Urban Forestry. On October 1, 2003, the Board voted to grant the rehearing request by the appellant. FOR REHEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-1 to uphold the decision of DPW BUF, but to grant the permit to remove and replace the eucalyptus tree on condition that the replacement tree have a 36" planter box.

SPEAKERS: Tony Wolcott, AUF, DPW BUF, described the subject trees, and why the department had denied the portion of the request that would permit replacement of the eucalyptus tree. Jeremy Paul, agent for appellant, described the large tree as not lovely, and as harmful to the sidewalk, which breaks, and is a hazard to pedestrians. He also said the neighbors support his client. Public comment for DPW BUF: Greg Wyche said he's against the tree removal. Paul Lufkin said he loves trees and wants them to stay. Kare Krooth said all the neighbors are in favor of retaining the trees, and that only one new owner supports the appellant. Bill Boeddiker said he's a Friends of the Urban Forest volunteer, and that the trees mutilated by blight will be replaced by good trees. Martin Harris said he wants all the trees saved. Lisa O'Driscoll said the trees look fine, and that the sidewalks are fine. Robert Hemmer said the replacement saplings are no good. Public comment for appellant: John Johnson said the sidewalk is buckling, and that the city should allow people to adjust trees when necessary. Rose Gabaeff said the sidewalk is broken, and that the tree looks funky. Steve Clark-Hall said he slipped and broke his wrist on a bad sidewalk, and that the replacement trees will be a good size. Jonathan Browning said he's struck by the appellant's renovation and commitment to beautify the property. Robert Hulgate said the health of the tree is bad, that it will fall and hit a car. Michael Brisbin said the sidewalk is uneven, and that he has a passionate commitment to good trees. Pat Buscovich, agent for permit holder, said he's the engineer fixing the sidewalk, and that it's in terrible condition.

(7) **APPEAL NO. 03-112**

PAUL SEIGEL, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3214 Jackson Street. Appealing the denial on July 4, 2003, of a Permit to Remove & Replace Two (2) Trees. ORDER NO. 174,238. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to overrule the denial, and grant the permit on condition that the replacement tree be suitable to DPW BUF.

SPEAKERS: Tony Wolcott, AUF, DPW BUF, explained the denial, and said that Brazilian pepper trees do well in the City, and that these are two young healthy trees. Paul Siegel, appellant, said that the two trees are too big, break up the sidewalk, create a driving hazard for his family, and that it was a mistake to plant them, which he can correct if allowed to replace them with a more suitable species, which will not be as ugly. Sherry Siegel, wife of the appellant, said the trees' look is wrong, and that a more suitable species would be attractive. No public comment.

(8) **APPEAL NO. 03-092**

CARL E. OLSON, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	Northwest Corner of Haight & Masonic. Protesting the issuance on May 28, 2003, to JC Decaux San Francisco Inc., Automatic Public Toilet Permit. ORDER NO. 174,167. PERMIT NO. 03PT-001. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-1 (Vice President Harrington dissented) to uphold the subject permit on condition that DPW BSM consider moving the site closer to the corner.

SPEAKERS: Carl Olson, appellant, said he opposes the facility in front of his apartment house, and described the problems that will arise from its location there. Jacob Szeto, DPW BSM, described the process of public hearings that led to the site being chosen. Fred Christoun, agent for permit holder, said that DPW BSM chose the site, and that his firm only installs and maintains them. Jack Breslin, DPH, said that his department supports the location, and reported on the complaints made to DPH, which support the location as one in need of a public facility. Public comment for appellant: Janan New said it is not right to put a public toilet in front of an entry to an apartment house, and that this will be the only site in front of a residential building, and that there is a pre-school two doors down. Beth Bailey said she supports public facilities but not in front of housing. Fred Kazzouh said this project will be bad for his grocery business. Linda Olson read to the Board a letter from Susan Stoler who is a tenant in the building right behind the site. Doerte Murray said that DPW has no ongoing inspection patrol of its facilities. Jefferson Bailey said the nearby check cashing business will exacerbate the problems caused by the facility. Public comment for DPW BSM: Tes Welborn said the Haight Street area needs a public toilet, and that the police department supports the idea. Amy Leitiner said she supports the action of the department. Tys Sniffen said she thinks the public toilet at this site is appropriate. Richard Magary said that the process for the site selection was open to all participants. Laura Sallee said it's time for such a facility, and that the City has a moral responsibility to provide these units for residents and visitors. Karen Fishkin said this has been a five year process, and that there is always some disagreement in these types of matters. Flip Sarrow of the Haight Street Merchant's Association said his group voted 37 for the facility, and 3 neutral, and that their customers' need for this facility is great. Rich Cunningham, said he was the hearing officer at DPW BSM, and that he was

available for any questions. Eileen Long said this toilet is desperately needed. J. van Breten said he opposes the toilet.

(9) **APPEAL NO. V03-106**

ROGER LOTZ, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	561 Sanchez Street. Protesting the granting on June 24, 2003, to Gordon Atkinson (Subject Property Owner Gus Nelson), Rear Yard Variance (on single-family house: construction of a deck and stairs within the required rear yard of the existing, non-complying, single-family dwelling; the proposed deck would extend 3 feet to the north from the north building wall of the legal non-complying extension, 12 feet towards the rear with the stairs extending an additional 10 feet at the south side of the deck; no privacy screen is required). VARIANCE CASE NO. 2003.0040V. FOR HEARING TODAY.

ACTION: Upon motion by President, the Board voted 3-0-2 (Commissioners Shoemaker & Saunders absent) to reschedule the appeal to Dec. 3, 2003 at the request of the parties, and with letter notices.

SPEAKERS: Parties not present.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 03-108**

TELEGRAPH HILL DWELLERS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner(s): BRIAN O'FLYNN & MARTIN COYNE	701 Lombard Street. Appealing a determination dated June 26, 2003, addressed to Paul Scott at the Telegraph Hill Dwellers, that the Mason Street frontage shall be used for measurement of height per Planning Code § 102.12(d), that a minimum of 2 building steps is required for measurement purposes per Planning Code § 260(a)(3), and that the rear of the lot for height measurement is located where the Lombard Street & Columbus Avenue frontages converge. FOR HEARING TODAY.

(10B) **APPEAL NO. V03-116**

TELEGRAPH HILL DWELLERS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner(s): BRIAN O'FLYNN & MARTIN COYNE	701 Lombard Street. Protesting the granting on July 17, 2003, to Bruce Baumann, Usable Open Space Variance (demolish existing parking lot and construct a new four-story mixed-use building with nine residential units, two small ground floor retail spaces at the Columbus Avenue building corners, and nine off-street parking spaces at the ground floor. VARIANCE CASE NO. 2003.0346V. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to uphold the determination with negative declaration findings as read into the record by President Chin, and 5-0 to uphold the subject variance.

SPEAKERS: Craig Nikitas, PD, explained the determination, which he said is a technical issue involving height measurements under the Code. Joe Butler, agent for appellant, said the height of the proposed building is an issue because it will cast a shadow on a public park, and a redesign without a rooftop penthouse and elevators would be desirable to reduce the shadowing. He asked the Board to send plans back to Planning for redesign and completion of the negative declaration. Jim Reuben, attorney for owners, said the Code allows owners to choose the front of their lots, and that his clients have chosen for their project in compliance with the Code; and the ZA has a right to change a ZA interpretation at any time because an interpretation is not a precedent for a future case. Michael Penner, agent for appellant, said the THD opposed the variance decision because the five requirements which must me met have not been met, and that there is no justifiable hardship, and this project can be built in compliance with the Code without a variance. Jim Rueben, attorney for variance holder, said there are unusual circumstances that justify the variance. Public comment for the ZA: Kay Murphy-O'Flynn said she intends to live in the building, and urged the Board to uphold the variance. Patricia Franklin demonstrated with computer-generated photos how well the project fits into the area. Philip Lesser said that nine more residential units are needed, and that the shadowing would only be on a small portion of the park. Andy Lesser said there is no better location for this building. Bart Taylor said he has never seen anyone play bocce ball in his eight years in the neighborhood, and that the park is not maintained by the City, and that housing is needed. Sal Busalacchi said that the Planning calculations are not flawed, and that he lives closest to the site. Theodore Camesano said he is delighted with the sensitivity of the developers. Lynn Jefferson said she's impressed with the integrity of the owners. Keith Wilson said he's a member of the THD, and that he does not support the appeals, and that this is an excellent project. James Lew said the project meets the Code and is a good one. Noel Boggins said he measures buildings. David Chan said he owns property across the street, and that his group, North Beach Neighbors, is in support of the project. Joe O'Donoghue said the Planning Code is in violation of state law regarding height standards. Public comment for the appellant: Jeffrey Graham said he opposes the height, which is not in character with the neighborhood, and is inconsistent with the general plan. Brad Willmore said the building will not be

40 feet high but rather from 40 to 46 feet at different points, and that the convoluted calculations can make it appear to be 40 feet. Nan Roth said she knows the building will cast shadows on the tennis courts, and will be in violation of the sunshine ordinance because it will cast shadows on a park. Jeanne Milligan spoke against the project. Marc Bruno said a no vote has been taken by members of the NBN. Gerry Crowley said she strongly opposes the project, and that people do use the bocce ball courts. Leo McFadden, SBI DBI, explained the penthouse standards of the Code at the request of the Board.

(11) **APPEAL NO. 03-109**

CAROL OPOTOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	32 Rivoli Street. Protesting the issuance on July 10, 2003, to Shelley Pope, Permit to Alter a Building (on single-family house: build apartment in basement which extends into backyard; remodel kitchen on main floor; add third floor; create a two-unit residential building). APPLICATION NO. 2002/04/12/3885S. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to uphold the permit on condition that the deck be pulled back 3 feet on the side adjacent to the appellant, with an open railing and no trellis on the deck.

SPEAKERS: Carol Opotow, appellant, described the impact of the proposal on her property, the loss of light caused by extensions blocking the sunlight. She asked the Board to add minor conditions to their approval of the permit to protect her from the impact, setting the deck back, requiring an open railing, and prohibiting any trellis on the deck. Shelley Pope, permit holder, said she objects to revisions being imposed because of the costs they will entail for designs. She said she has tried to minimize any impact of her project on the appellant's house. Leo McFadden, SBI DBI, said that no fire wall is required if the deck is set back 3 feet from the property line, and that an open railing complies with the Code. No public comment.

(12) **APPEAL NO. 03-110**

BENJAMIN GACUSAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	687 Moultrie Street. Protesting the issuance on July 8, 2003, to John Regan, Permit to Alter a Building (on single-family house: constructing a new garage). APPLICATION NO. 2002/07/30/2706. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeal to Dec. 3, 2003 at the request of the parties, and with letter notices to go out.

SPEAKERS: Parties not present.

(13) **APPEAL NO. 03-113**

NURIA ROCHA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	25 Teresita Boulevard. Protesting the issuance on July 7, 2003, to Richard Barboni, Site Permit to Alter a Building (on single-family house: add deck and solarium at rear). APPLICATION NO. 2002/11//25/2189S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-1 (Commissioner Sugaya dissented) to uphold the permit.

SPEAKERS: Charles Higueras, agent for appellant, said that the solarium component is at issue because it threatens their privacy. People in the solarium can look towards the bedroom windows of his house; he asked the Board to require that opaque glass be used on at least 3 panes of the solarium windows so as to preserve privacy. Richard Barboni, permit holder, said he feels no obligation to provide this person with privacy, and that they can use curtains if they wish. He does not want frosted glass on his solarium. No public comment.

(14) **APPEAL NO. 03-114**

TOM WHELAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1441 Montgomery Street. Appealing a request dated July 7, 2003 for reinstatement of a suspended permit, addressed to Dept. of Building Inspection Director Frank Chiu, asking that Building Permit Application No(s). 2002/09/27/7630 (installation of a motorized chair lift) be reinstated because the Planning Commission has held a discretionary review (DR) hearing and approved the project as proposed. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 3-0-2 (Commissioners Shoemaker and Saunders absent) to reschedule the appeal to Nov. 12, 2003 at the request of the parties, and with letter notices to go out.

SPEAKERS: Parties not present.

There being no further business President Chin adjourned the meeting at 11:00 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 22, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3A) **REHEARING REQUEST:** Taxi Medallion No(s). 129
Appeal No(s). 02-020
Adams vs. Taxi Commission

10-17-03A10:49 RCVD

Letter from John Feldmann III, Attorney for David Adams, Appellant(s), requesting rehearing of Appeal No(s). 02-020, decided June 25, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the Taxi Commission and add the appellant's name to the subject medallion. Four votes being required under Charter § 4.106 to overturn or modify a departmental action, the motion failed, and the Taxi Commission's denial of the request to add the appellant's name to medallion no. 129 was upheld.

(3B) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 616 Shrader Street.
Permit suspended on August 6, 2003.
Last day to appeal was August 21, 2003.
Jurisdiction request received on Sept. 11, 2003.

Letter from Tom Katz, requestor(s), asking that the Board take jurisdiction over the suspension of Building Permit Application No(s). 2003/08/06/1364 & 2003/07/23/0191. Reason(s) for suspension: the first permit was approved erroneously, and the second permit requires further review by the Planning Dept. since both permits did not receive residential guideline review by Planning Dept. preservation technical specialists, which is required for the replacement of windows on architecturally significant buildings like the subject property.

ITEMS (4A) & (4B) SHALL BE HEARD TOGETHER:

(4A) **APPEAL NO. 02-018**

UNITED TAXICAB WORKERS, BERHANE ASSEFA, PETER KLEINMAN & ZAREH SOGHIKIAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Protesting the approval on January 22, 2002, of a request to add John Lazar to taxicab medallion no(s). 109. FOR HEARING TODAY.

(4B) **APPEAL NO. 02-019**

UNITED TAXICAB WORKERS, BERHANE ASSEFA, PETER KLEINMAN & ZAREH SOGHIKIAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Protesting the approval on January 22, 2002, of a request to add John Lazar to taxicab medallion no(s). 138. FOR HEARING TODAY.

(5) **APPEAL NO. 03-093**

UNITED TAXICAB WORKERS & ZAREH SOGHIKIAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Protesting the approval on May 27, 2003, of a request to add Amy Welch to taxicab medallion no(s). 684, 685, 686, 687, 688 & 689, and Philip Welch IV to taxicab medallion no(s). 690 & 691 provided that each pays a transfer fee of $2,825.15 per medallion. RESOLUTION NO. 2003-32. FOR HEARING TODAY.

(6) **APPEAL NO. 03-077**

MARK ONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	2545 Greenwich Street. Appealing the denial on May 28, 2003, of Permit to Alter a Building (interior modification to combine 2 units into 1 unit, resulting in a 2-unit building; no additional space is created; no exterior changes). APPLICATION NO. 2002/09/12/6333. FOR HEARING TODAY.

RESCHEDULED TO 12/3/03

(7) **APPEAL NO. 03-117**

GEORGE HAMILTON HAUCK & DUANE FRISBIE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	218 Union Street. Protesting the issuance on July 15, 2003, to John Votruba, Permit to Alter a Building (rebuild upper deck on roof – see NOV No(s). 200336693; new roof ladder). APPLICATION NO. 2003/07/15/9492. FOR HEARING TODAY.

(8) **APPEAL NO. 03-119**

LAMBERT LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	540 – 8th Avenue. Appealing the denial on August 5, 2003 of Permit to Demolish a Building (two-story single family house with 764sf of ground floor area). APPLICATION NO. 2002/12/09/3108. FOR HEARING TODAY.

(9) **APPEAL NO. 03-120**

SEAN ANGLES, DAVID WABEL, YOLANDA GARCIA, JOHN LOWRY & ALETA THIELMEYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1639 – 18th Street. Protesting the issuance on July 29, 2003, to Elizabeth Burns, Permit to Alter a Building (add deck to existing unit; replace window with sliding glass doors). APPLICATION NO. 2003/07/29/0643. FOR HEARING TODAY.

(10) **APPEAL NO. 03-121**

ANDREW YON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1759 – 14th Avenue. Protesting the issuance on July 29, 2003, to Anny Wong, Permit to Alter a Building (on two-story single family house: adding a 16' X 18' deck with stairs at rear wall). APPLICATION NO. 2003/07/29/0633. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: October 16, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
KATHLEEN HARRINGTON	**VICE PRESIDENT**
SABRINA N. SAUNDERS	**COMMISSIONER**
DOUGLAS SHOEMAKER	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 22, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Kathleen Harrington, Commissioner Douglas Shoemaker, Commissioner Hisashi Sugaya, and Commissioner Sabrina Saunders.

Catharine Barnes, Deputy City Attorney (DCA); Jonas Ionin, for the Planning Dept. (PD) & the Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (CBI DBI); Naomi Little, Executive Director of the Taxi Commission (ED TC); Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

ABSENT: President Arnold Chin, and Executive Secretary Robert Feldman.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:**

(3A) **REHEARING REQUEST:** Taxi Medallion No(s). 129
Appeal No(s). 02-020
Adams vs. Taxi Commission

Letter from John Feldmann III, Attorney for David Adams, Appellant(s), requesting rehearing of Appeal No(s). 02-020, decided June 25, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the Taxi Commission and add the appellant's name to the subject medallion. Four votes being required under Charter § 4.106 to overturn or modify a departmental action, the motion failed, and the Taxi Commission's denial of the request to add the appellant's name to medallion no. 129 was upheld.

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ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (President Chin absent) to reschedule the appeal to Nov. 12, 2003 at the written request of the parties.

SPEAKERS: None.

(3B) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 616 Shrader Street.
Permit suspended on August 6, 2003.
Last day to appeal was August 21, 2003.
Jurisdiction request received on Sept. 11, 2003.

Letter from Tom Katz, requestor(s), asking that the Board take jurisdiction over the suspension of Building Permit Application No(s). 2003/08/06/1364 & 2003/07/23/0191. Reason(s) for suspension: the first permit was approved erroneously, and the second permit requires further review by the Planning Dept. since both permits did not receive residential design guidelines review by Planning Dept. preservation technical specialists, which is required for the replacement of windows on architecturally significant buildings like the subject property.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 3-1-1 (Commissioner Sugaya dissented, President Chin absent) to reschedule the appeal to Nov. 12, 2003.

SPEAKERS: Thomas Katz asked the Board to reschedule his request to a date with a five member Board.

ITEMS (4A) & (4B) SHALL BE HEARD TOGETHER:

(4A) **APPEAL NO. 02-018**

UNITED TAXICAB WORKERS, BERHANE ASSEFA, PETER KLEINMAN & ZAREH SOGHIKIAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Protesting the approval on January 22, 2002, of a request to add John Lazar to taxicab medallion no(s). 109. FOR HEARING TODAY.

(4B) **APPEAL NO. 02-019**

UNITED TAXICAB WORKERS, BERHANE ASSEFA, PETER KLEINMAN & ZAREH SOGHIKIAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Protesting the approval on January 22, 2002, of a request to add John Lazar to taxicab medallion no(s). 138. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 2-2-1 (Vice President Harrington & Commissioner Saunders dissented, President Chin absent) to reschedule the appeal to Nov. 19, 2003. 3 votes being required to reschedule any matter, the motion failed, and the hearing went forward. Afterwards, upon motion by Commissioner Saunders, the Board voted 2-2-1 (Commissioners Shoemaker & Sugaya dissented, President Chin absent) to uphold the Taxi Commission's decision. Four votes being required to overturn any departmental action, the decision by the Taxi Commission was upheld.

SPEAKERS: Mark Gruberg, agent for appellants, asked the Board to reschedule the appeals to a date with a five-member Board, and later urged the Board to overrule the Taxi Commission's decision. Philip Ward, attorney for medallion holder, asked the Board hold the hearing with only four members, and later asked the Board to uphold the Taxi Commission's decision. Naomi Little, ED TC, explained the Taxi Commission's decision. Public comment for appellants: Ron Wolter.

(5) **APPEAL NO. 03-093**

UNITED TAXICAB WORKERS & ZAREH SOGHIKIAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Protesting the approval on May 27, 2003, of a request to add Amy Welch to taxicab medallion no(s). 684, 685, 686, 687, 688 & 689, and Philip Welch IV to taxicab medallion no(s). 690 & 691 provided that each pays a transfer fee of $2,825.15 per medallion. RESOLUTION NO. 2003-32. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 2-2-1 (Vice President Harrington & Commissioner Saunders dissented, President Chin absent) to reschedule the appeal to Nov. 19, 2003. 3 votes being required to reschedule any matter, the motion failed, and the hearing went forward. Afterwards, upon motion by Commissioner Shoemaker, the Board voted 2-2-1 (Vice President Harrington & Commissioner Saunders dissented, President Chin absent) to overrule the Taxi Commission's decision. Four votes being required to overturn any departmental action, the motion failed, and the decision by the Taxi Commission was upheld.

SPEAKERS: Mark Gruberg, agent for appellants, asked the Board to reschedule the appeals to a date with a five-member Board, and later urged the Board to overrule the Taxi Commission's decision. Philip Ward, attorney for medallion holder, asked the Board hold the hearing with only four members, and later asked the Board to uphold the Taxi Commission's decision. Naomi Little, ED TC, explained the Taxi Commission's decision. Public comment for appellants: Ron Wolter.

(6) **APPEAL NO. 03-077**

MARK ONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	2545 Greenwich Street. Appealing the denial on May 28, 2003, of Permit to Alter a Building (interior modification to combine 2 units into 1 unit, resulting in a 2-unit building; no additional space is created; no exterior changes). APPLICATION NO. 2002/09/12/6333. FOR HEARING TODAY.

ACTION: This appeal was rescheduled to Dec. 3, 2003 prior to the meeting.

SPEAKERS: None.

(7) **APPEAL NO. 03-117**

GEORGE HAMILTON HAUCK & DUANE FRISBIE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	218 Union Street. Protesting the issuance on July 15, 2003, to John Votruba, Permit to Alter a Building (rebuild upper deck on roof – see NOV No(s). 200336693; new roof ladder). APPLICATION NO. 2003/07/15/9492. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (President Chin absent) to reschedule the appeal to Jan. 14, 2004.

SPEAKERS: Drexel Bradshaw, attorney for appellants, asked the Board to reschedule the appeal. John Votruba & Teresa Votruba, permit holders, responded to the rescheduling request.

(8) **APPEAL NO. 03-119**

LAMBERT LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	540 – 8th Avenue. Appealing the denial on August 5, 2003 of Permit to Demolish a Building (two-story single family house with 764sf of ground floor area). APPLICATION NO. 2002/12/09/3108. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-0-1 (President Chin absent) to reschedule the appeal to Nov. 19, 2003.

SPEAKERS: None.

(9) **APPEAL NO. 03-120**

SEAN ANGLES, DAVID WABEL, YOLANDA GARCIA, JOHN LOWRY & ALETA THIELMEYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1639 – 18th Street. Protesting the issuance on July 29, 2003, to Elizabeth Burns, Permit to Alter a Building (add deck to existing unit; replace window with sliding glass doors). APPLICATION NO. 2003/07/29/0643. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (President Chin absent) to uphold the subject permit.

SPEAKERS: Sean Angles, co-appellant, explained the reasons for the appeal. Elizabeth Burns, permit holder, asked the Board to uphold her permit. Allan Jones, architect for permit holder, explained certain aspects of the permit. Public comment: Dick Millet, John Carney, Nick Noyes, and Wendy Robinson.

(10) **APPEAL NO. 03-121**

ANDREW YON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1759 – 14th Avenue. Protesting the issuance on July 29, 2003, to Anny Wong, Permit to Alter a Building (on two-story single family house: adding a 16' X 18' deck with stairs at rear wall). APPLICATION NO. 2003/07/29/0633. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (President Chin absent) to reschedule the appeal to the indefinite calendar (Call of the Chair).

SPEAKERS: Parties did not appear.

There being no further business Vice President Harrington adjourned the meeting at 8:04 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 29, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:** None.

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(4) **APPEAL NO. 03-122**

HONOR BULKLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL RESCHEDULED TO 12/3/2003	3632 Sacramento Street. Appealing the denial on August 14, 2003, of Permit to Alter a Building (on two-story office/residential building: level two of the subject property has been used for offices since about 1976; the purpose of this application is to bring the zoning classification into conformance with the longtime use as offices; no construction; no work). APPLICATION NO. 2003/07/11/9285. FOR HEARING TODAY.

(5) **APPEAL NO. 03-123**

HENRY KARNILOWICZ, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1011 Howard Street. Appealing a Stop Work Order Request for Building Permit Application No(s). 2003/02/19/7782. Reason(s) for requesting stop work order: subject permit for vinyl windows was approved in error by Planning staff as an over-the-counter permit without the appropriate review that is required for historically rated buildings such as the subject property. JURISDICTION GRANTED JULY 30, 2003. FOR HEARING TODAY.

(6) **APPEAL NO. 03-125**

MARK NAGLE dba "CHIEFTAIN IRISH PUB" , Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	198 – 5th Street. Appealing a determination dated August 6, 2003, addressed to Terence McVeigh, that a Place of Entertainment permit is not allowed at the subject property because Planning Code § 815.37 prohibits nighttime entertainment uses in the Residential/Service Mixed Use zoning district. FOR HEARING TODAY.

(7) **APPEAL NO. 03-126**

KEITH MATTOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	333 Ulloa Street. Protesting the issuance on August 11, 2003, to Miranda Li, Permit to Alter a Building (alter and add bath on 2nd floor; add a bedroom on ground floor; legalize bath and bedroom on ground floor; add single level deck at rear of 2nd floor; add 4 skylights over bath and kitchen). APPLICATION NO. 2003/08/11/1664. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: Oct. 23rd, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
KATHLEEN HARRINGTON	**VICE PRESIDENT**
SABRINA N. SAUNDERS	**COMMISSIONER**
DOUGLAS SHOEMAKER	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 29, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Kathleen Harrington, Commissioner Douglas Shoemaker, Commissioner Hisashi Sugaya, and Commissioner Sabrina Saunders.

Catharine Barnes, Deputy City Attorney (DCA); Julian Banales, for the Planning Dept. (PD) & the Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (CBI DBI); Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

ABSENT: President Arnold Chin, and Executive Secretary Robert Feldman.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:** None.

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(4) **APPEAL NO. 03-122**

HONOR BULKLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	3632 Sacramento Street. Appealing the denial on August 14, 2003, of Permit to Alter a Building (on two-story office/residential building: level two of the subject property has been used for offices since about 1976; the purpose of this application is to bring the zoning classification into conformance with the longtime use as offices; no construction; no work). APPLICATION NO. 2003/07/11/9285. FOR HEARING TODAY.

ACTION: This appeal was rescheduled to Dec. 3, 2003 prior to the meeting.

(5) **APPEAL NO. 03-123**

HENRY KARNILOWICZ, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1011 Howard Street. Appealing a Stop Work Order Request for Building Permit Application No(s). 2003/02/19/7782. Reason(s) for requesting stop work order: subject permit for vinyl windows was approved in error by Planning staff as an over-the-counter permit without the appropriate review that is required for historically rated buildings such as the subject property. JURISDICTION GRANTED JULY 30, 2003. FOR HEARING TODAY.

ACTION: This appeal was withdrawn by the appellant.

(6) **APPEAL NO. 03-125**

MARK NAGLE dba "CHIEFTAIN IRISH PUB" , Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	198 – 5th Street. Appealing a determination dated August 6, 2003, addressed to Terence McVeigh, that a Place of Entertainment permit is not allowed at the subject property because Planning Code § 815.37 prohibits nighttime entertainment uses in the Residential/Service Mixed Use zoning district. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-0-1 (President Chin absent) to overrule the determination with a finding that there was a pre-existing night-time

entertainment use at the subject property, with conditions of approval as proposed by the Police Permit Bureau.

SPEAKERS: Julian Banales, PD, explained the subject determination. Mark Nagle, appellant, urged the Board to overturn the determination. Public comment for appellant: Roger Gordon, Angus McCarthy, Jeremy Paul, Dawn Colvin, and Joe O'Donoghue.

(7) **APPEAL NO. 03-126**

KEITH MATTOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	333 Ulloa Street. Protesting the issuance on August 11, 2003, to Miranda Li, Permit to Alter a Building (alter and add bath on 2nd floor; add a bedroom on ground floor; legalize bath and bedroom on ground floor; add single level deck at rear of 2nd floor; add 4 skylights over bath and kitchen). APPLICATION NO. 2003/08/11/1664. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (President Chin absent) to uphold the subject permit due to the non-appearance of the appellant.

SPEAKERS: Jeremy Paul, agent for permit holder, urged the Board to uphold the permit. Public comment for appellant: Abrahim Pakzad.

There being no further business Vice President Harrington adjourned the meeting at 6:08 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 12, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3A) **REHEARING REQUEST:** 2776 Mission Street
Appeal No(s). 03-013
Low vs. DBI, Planning Dept. Disapproval

Letter from Dan Sullivan, Agent for Appellant Dennis Low, requesting a rehearing of Appeal No(s). 03-013, decided May 21, 2003. At that time, upon motion by Commissioner Shoemaker, the Board voted 2-3 (President Chin, Vice President Harrington & Commissioner Saunders dissented) to uphold the denial of the subject permit. Four votes being required under Charter § 4.106 to overturn any departmental action, the motion passed and the denial of the subject permit was upheld. Project: abate Notice of Violation No. 200232430; install front roll up gate; remove existing wall to replace existing 2'6" door with a new 3'0" door and 4X8 header with accessible door hardware; the gate is for security purposes, thus closed grill; retail open from 9am to 9pm.

(3B) **REHEARING REQUEST:** Appeal No(s). 02-030,
50 – 8th Street
Foster Media vs. Zoning Administrator

Letter from Christopher Moscone, agent for Foster Media, Appellant, requesting rehearing of Appeal No(s). 02-030, decided June 19, 2002. Upon motion by Vice President McInerney, the Board voted 2-3 (Commissioner Cullum, Commissioner Saunders & Commissioner El Qadah dissented) to uphold the subject determination. Four votes being necessary to overturn any departmental action under Charter § 4.106, the motion passed and the subject determination was upheld. Determination: that the subject Building Permit Application for a general advertising sign is disapproved because the subject property is visible from, and located within 200 feet of the Market Street Special Sign District.

(3C) **REHEARING REQUEST:** Appeal No(s). 03-092
NW Corner of Haight & Masonic
Olson vs. DPW BSM

Letter from Carl Olson, appellant, requesting rehearing of Appeal No(s). 03-092, decided October 8th, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 4-1 (Vice President Harrington dissented) to uphold the subject permit on condition that the Dept. of Public Works Bureau of Street-Use & Mapping (DPW BSM) consider moving the site closer to the corner. Permit Type: automatic public toilet.

(3D) **REHEARING REQUEST:** Appeal No(s). 03-108 & 03-116
701 Lombard Street
Telegraph Hill Dwellers vs. ZA

Letter from Paul Scott, President of Telegraph Hill Dwellers, appellant, requesting rehearing of Appeal No(s). 03-108 & 03-116, decided October 8th, 2003. At that time, upon motion by President Chin, the Board voted 5-0 to uphold the subject determination with negative declaration findings as read into the record by President Chin, and 5-0 to uphold the subject variance. Determination: that the Mason Street frontage shall be used for measurement of height per Planning Code § 102.12(d), that a minimum of 2 building steps is required for measurement purposes per Planning Code § 260(a)(3), and that the rear of the lot for height measurement is located where the Lombard Street & Columbus Avenue frontages converge. Variance Type: Usable Open Space Variance (demolish existing parking lot and construct a new four-story mixed-use building with nine residential units, two small ground floor retail spaces at the Columbus Avenue building corners, and nine off-street parking spaces at the ground floor).
Subject Property Owner(s): Martin Coyne & Brian O'Flynn.

(3E) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** 1524 Waller Street
Permit issued on August 20, 2003
Last day to appeal was Sept. 3, 2003
Jurisdiction request received Oct. 21, 2003

Letter from Proceso Emperio, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2003/08/20/2628. Project: rebuild existing rotten egress stairs at rear in kind per plans. Permit Holder(s): Cecilia Bolusan.

(3F) **REHEARING REQUEST:** Taxi Medallion No(s). 129
Appeal No(s). 02-020
Adams vs. Taxi Commission

Letter from John Feldmann III, Attorney for David Adams, Appellant(s), requesting rehearing of Appeal No(s). 02-020, decided June 25, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the Taxi Commission and add the appellant's name to the subject medallion. Four votes being required under Charter § 4.106 to overturn or modify a departmental action, the motion failed, and the Taxi Commission's denial of the request to add the appellant's name to medallion no. 129 was upheld.

(3G) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 616 Shrader Street.
Permit suspended on August 6, 2003.
Last day to appeal was August 21, 2003.
Jurisdiction request received on Sept. 11, 2003.

Letter from Tom Katz, requestor(s), asking that the Board take jurisdiction over the suspension of Building Permit Application No(s). 2003/08/06/1364 & 2003/07/23/0191. Reason(s) for suspension: the first permit was approved erroneously, and the second permit requires further review by the Planning Dept. since both permits did not receive residential guideline review by Planning Dept. preservation technical specialists, which is required for the replacement of windows on architecturally significant buildings like the subject property.

(3H) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 1018 Clayton Street
Permit issued on Sept. 22, 2003
Last day to appeal was October 8, 2003
Jurisdiction request received on October 23, 2003

Letter from Francis David Ryan, requestor, asking the Board to take jurisdiction over Building Permit Application No(s). 2003/09/2/5414. Project: construct 7' X 36" high one-hour fire rated parapet on roof at south side. Permit Holder(s): Gunther Dertz.

(3I) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Taxi Permit (A-Card) No(s). 051773
Revocation letter dated October 2, 2003
Last day to appeal was October 17, 2003
Jurisdiction request received on October 24, 2003

Letter from Khaled Abdelnaby, requestor, asking that the Board take jurisdiction over the revocation of the above-referenced taxi permit. Reason(s) for revocation: non-payment of fees.

(3J) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Taxi Permit (A-Card) No(s). 055648
Revocation letter dated October 2, 2003
Last day to appeal was October 17, 2003
Jurisdiction request received on October 24, 2003

Letter from Ghassen Mosbahi, requestor(s), asking that the Board take jurisdiction over the revocation of the above-referenced taxi permit. Reason(s) for revocation: non-payment of fees.

(3K) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 3801 – 3rd Street
Permit issued on August 20, 2003
Last day to appeal was September 4, 2003
Jurisdiction request received on Oct. 27, 2003

Letter from Melvin Washington, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2003/06/10/6681. Project: install 8 new antennas behind new screen wall; place prefab equipment shelter on roof. Permit Holder(s): Verizon Wireless.

(4) **APPEAL NO. 03-052**

LANDO SIU, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on March 25, 2003, of taxicab medallion #1181. RESOLUTION NO. 2003-12. **NOTE:** At the original hearing of June 4, 2003, the Board voted to uphold the subject revocation. On September 17, 2003, the Board voted to grant the jurisdiction request seeking a second 10-day rehearing request period; the Board also voted that same day to grant the rehearing request. FOR REHEARING TODAY.

(5) **APPEAL NO. 03-133**

ISHTIAQ BOKHARI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 18, 2003, of a Driver of Public Passenger Vehicle for Hire Permit. RESOLUTION NO. 2003-65. FOR HEARING TODAY.

(6) **APPEAL NO. 03-114**

TOM WHELAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1441 Montgomery Street. Appealing a request dated July 7, 2003 for reinstatement of a suspended permit, addressed to Dept. of Building Inspection Director Frank Chiu, asking that Building Permit Application No(s). 2002/09/27/7630 (installation of a motorized chair lift) be reinstated because the Planning Commission has held a discretionary review (DR) hearing and approved the project as proposed. FOR HEARING TODAY.

(7) **APPEAL NO. 03-091**

LAURA FREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1274 Plymouth Avenue. Protesting the issuance on May 27, 2003, to Kenley Leung, Permit to Alter a Building (on single-family dwelling: add full bath on 2nd floor; replace existing rotten rear deck/stairs in kind; add 2 bedrooms, 2 bathrooms, family room and laundry at ground floor; no change to building envelope except windows). APPLICATION NO. 2003/05/27/5566. FOR HEARING TODAY.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 03-096**

EVELYN WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1331 Green Street. Protesting the issuance on June 3, 2003, to Stephen Goldstine, Permit to Erect a Building (one-story single-family dwelling with 523sf of ground floor area). APPLICATION NO. 2001/03/30/5663. FOR HEARING TODAY.

(8B) **APPEAL NO. 03-097**

TAMI TWAROG & ELIZABETH WRIGHT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1331 Green Street. Protesting the issuance on June 3, 2003, to Stephen Goldstine, Permit to Erect a Building (one-story single-family dwelling with 523sf of ground floor area). APPLICATION NO. 2001/03/30/5663. FOR HEARING TODAY.

(9) **APPEAL NO. 03-129**

COLMAN BURKE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	1238 Masonic Avenue. Appealing the denial on August 21, 2003, of Permit to Alter a Building (change two-family dwelling to single-family dwelling). APPLICATION NO. 2003/01/14/5103 FOR HEARING TODAY.

(10) **APPEAL NO. V03-130**

KEVIN COONEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2090 – 45th Avenue. Appealing the denial on August 20, 2003 of a Rear Yard Set Back Variance (proposal is to construct rear stairs to access a proposed 3rd story addition to the existing dwelling). VARIANCE CASE NO. 2003.0436V. FOR HEARING TODAY.

(11) **APPEAL NO. 03-131**

JOAN GIRARDOT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Marina Boulevard. Protesting the issuance on August 14, 2003, to Dolores Twitchell, Permit to Alter a Building (garden fence replacement, 40' long, 8' in height, 4X4 redwood post every 4', lattice covering). APPLICATION NO. 2033/08/14/2068. FOR HEARING TODAY.

(12) **APPEAL NO. V03-136**

DEIRDRE & KENNETH QUIGLEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	336 – 28th Street. Protesting the granting on August 20, 2003, to Andy Rodgers, Rear Yard Setback Variance (the stairs that extend from the 2nd story to the 3rd story shall be permitted to encroach into the required rear yard sufficient to provide access to the 3rd floor and the deck on the roof of the building). VARIANCE CASE NO. 2003.0609V. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: Nov. 6th, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
KATHLEEN HARRINGTON	**VICE PRESIDENT**
SABRINA N. SAUNDERS	**COMMISSIONER**
DOUGLAS SHOEMAKER	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments

regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail

Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 12, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin Vice President Kathleen Harrington, Commissioner Douglas Shoemaker, and Commissioner Hisashi Sugaya.

ABSENT: Commissioner Sabrina Saunders.

Catharine Barnes, Deputy City Attorney (DCA); Craig Nikitis, for the Planning Dept. (PD) & the Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (CBI DBI); Jacob Szeto, Dept. of Public Works Bureau of Street Use & Mapping; Executive Secretary Robert Feldman, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Douglas Goldman complained of the planning Department's failure to impose Board conditions on the alteration permit for 2518 Union Street. Mark Schlesinger supported Mr. Goldman's argument. Patricia Vaughey spoke in support of Mr. Cabi's right to proceed with the project. David Cincotta, Mr. Cabi's attorney, said the plans approved by Planning for 2518 Union Street are appropriate and meet the Board's conditions. Barry Taranto spoke in support of the Taxi Commission and its revocation of medallions for Prop K non-compliance.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

DOCUMENTS DEPT.

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(3) **ADDENDUM ITEMS:**

(3A) **REHEARING REQUEST:** 2776 Mission Street
Appeal No(s). 03-013
Low vs. DBI, Planning Dept. Disapproval

Letter from Dan Sullivan, Agent for Appellant Dennis Low, requesting a rehearing of Appeal No(s). 03-013, decided May 21, 2003. At that time, upon motion by Commissioner Shoemaker, the Board voted 2-3 (President Chin, Vice President Harrington & Commissioner Saunders dissented) to uphold the denial of the subject permit. Four votes being required under Charter § 4.106 to overturn any departmental action, the motion passed and the denial of the subject permit was upheld. Project: abate Notice of Violation No. 200232430; install front roll up gate; remove existing wall to replace existing 2'6" door with a new 3'0" door and 4X8 header with accessible door hardware; the gate is for security purposes, thus closed grill; retail open from 9am to 9pm.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the request to Dec. 3, 2003.

SPEAKERS: Dan Sullivan, agent for appellant, requested the rescheduling due to the lack of a five member Board. Craig Nikitas, PD, said he had no objection to the rescheduling.

(3B) **REHEARING REQUEST:** Appeal No(s). 02-030,
50 – 8th Street
Foster Media vs. Zoning Administrator

Letter from Christopher Moscone, agent for Foster Media, Appellant, requesting rehearing of Appeal No(s). 02-030, decided June 19, 2002. Upon motion by Vice President McInerney, the Board voted 2-3 (Commissioner Cullum, Commissioner Saunders & Commissioner El Qadah dissented) to uphold the subject determination. Four votes being necessary to overturn any departmental action under Charter § 4.106, the motion passed and the subject determination was upheld. Determination: that the subject Building Permit Application for a general advertising sign is disapproved because the subject property is visible from, and located within 200 feet of the Market Street Special Sign District.

ACTION: Upon motion by President Chin, the Board voted 3-0-2 (Commissioners Shoemaker & Saunders absent) to reschedule the request to Jan. 14, 2004 at the written request of the parties.

SPEAKERS: None.

(3C) **REHEARING REQUEST:** Appeal No(s). 03-092
NW Corner of Haight & Masonic
Olson vs. DPW BSM

Letter from Carl Olson, appellant, requesting rehearing of Appeal No(s). 03-092, decided October 8th, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 4-1 (Vice President Harrington dissented) to uphold the subject permit on condition that the Dept. of Public Works Bureau of Street-Use & Mapping (DPW BSM) consider moving the site closer to the corner. Permit Type: automatic public toilet.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 3-1-1 (Vice President Harrington dissented, Commissioner Saunders absent) to deny the rehearing request.

SPEAKERS: Carl Olson, appellant, asked the Board to grant a rehearing so he can present new evidence. No public comment.

(3D) **REHEARING REQUEST:** Appeal No(s). 03-108 & 03-116
701 Lombard Street
Telegraph Hill Dwellers vs. ZA

Letter from Paul Scott, President of Telegraph Hill Dwellers, appellant, requesting rehearing of Appeal No(s). 03-108 & 03-116, decided October 8th, 2003. At that time, upon motion by President Chin, the Board voted 5-0 to uphold the subject determination with negative declaration findings as read into the record by President Chin, and 5-0 to uphold the subject variance. Determination: that the Mason Street frontage shall be used for measurement of height per Planning Code § 102.12(d), that a minimum of 2 building steps is required for measurement purposes per Planning Code § 260(a)(3), and that the rear of the lot for height measurement is located where the Lombard Street & Columbus Avenue frontages converge. Variance Type: Usable Open Space Variance (demolish existing parking lot and construct a new four-story mixed-use building with nine residential units, two small ground floor retail spaces at the Columbus Avenue building corners, and nine off-street parking spaces at the ground floor). Subject Property Owner(s): Martin Coyne & Brian O'Flynn.

ACTION: Upon motion by Vice President Harrington, the Board voted 2-2-1 (Commissioners Shoemaker & Sugaya dissented, Commissioner Saunders absent) to deny the rehearing request. Four votes being required to grant a rehearing request, the subject request was denied.

SPEAKERS: Gerry Crowley, agent for appellant, asked the Board to grant a rehearing. Jim Reuben, attorney for variance/determination holder(s), asked the Board to deny the request. No public comment.

(3E) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** 1524 Waller Street
Permit issued on August 20, 2003
Last day to appeal was Sept. 3, 2003
Jurisdiction request received Oct. 21, 2003

Letter from Proceso Emperio, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2003/08/20/2628. Project: rebuild existing rotten egress stairs at rear in kind per plans. Permit Holder(s): Cecilia Bolusan.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to deny the jurisdiction request.

SPEAKERS: Proceso Emperio, requestor, asked the Board to grant him a new 15-day appeal period. Jerome Bolusan, agent for permit holder, asked the Board to deny the request for jurisdiction.

(3F) **REHEARING REQUEST:** Taxi Medallion No(s). 129
Appeal No(s). 02-020
Adams vs. Taxi Commission

Letter from John Feldmann III, Attorney for David Adams, Appellant(s), requesting rehearing of Appeal No(s). 02-020, decided June 25, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the Taxi Commission and add the appellant's name to the subject medallion. Four votes being required under Charter § 4.106 to overturn or modify a departmental action, the motion failed, and the Taxi Commission's denial of the request to add the appellant's name to medallion no. 129 was upheld.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the request to Dec. 17, 2003 at the written request of the parties.

SPEAKERS: None.

(3G) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 616 Shrader Street.
Permit suspended on August 6, 2003.
Last day to appeal was August 21, 2003.
Jurisdiction request received on Sept. 11, 2003.

Letter from Tom Katz, requestor(s), asking that the Board take jurisdiction over the suspension of Building Permit Application No(s). 2003/08/06/1364 & 2003/07/23/0191. Reason(s) for suspension: the first permit was approved erroneously, and the second permit requires further review by the Planning Dept. since both permits did not receive residential guideline review by Planning Dept. preservation technical specialists, which is required for the replacement of windows on architecturally significant buildings like the subject property.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to grant the jurisdiction request.

SPEAKERS: Tom Katz, requestor, asked the Board to grant him a new 15-day appeal period. Craig Nikitis, PD, responded to the jurisdiction request. No public comment.

(3H) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 1018 Clayton Street
Permit issued on Sept. 22, 2003
Last day to appeal was October 8, 2003
Jurisdiction request received on October 23, 2003

Letter from Francis David Ryan, requestor, asking the Board to take jurisdiction over Building Permit Application No(s). 2003/09/2/5414. Project: construct 7' X 36" high one-hour fire rated parapet on roof at south side. Permit Holder(s): Gunther Dertz.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (Commissioner Saunders absent) to grant the jurisdiction request.

SPEAKERS: Christine Ryan, agent for requestor, asked the Board to grant a new 15-day appeal period over the subject permit. Gunther Dertz, permit holder, explained the history of his project and asked the Board to deny the request.

(3I) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Taxi Permit (A-Card) No(s). 051773
Revocation letter dated October 2, 2003
Last day to appeal was October 17, 2003
Jurisdiction request received on October 24, 2003

Letter from Khaled Abdelnaby, requestor, asking that the Board take jurisdiction over the revocation of the above-referenced taxi permit. Reason(s) for revocation: non-payment of fees.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to grant the jurisdiction request.

SPEAKERS: None; the Taxi Commission had no objection to the request as per letter faxed to the Board.

(3J) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Taxi Permit (A-Card) No(s). 055648
Revocation letter dated October 2, 2003
Last day to appeal was October 17, 2003
Jurisdiction request received on October 24, 2003

Letter from Ghassen Mosbahi, requestor(s), asking that the Board take jurisdiction over the revocation of the above-referenced taxi permit. Reason(s) for revocation: non-payment of fees.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to grant the jurisdiction request.

SPEAKERS: None; the Taxi Commission had no objection to the request as per letter faxed to the Board.

(3K) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:** Subject property at 3801 – 3rd Street
Permit issued on August 20, 2003
Last day to appeal was September 4, 2003
Jurisdiction request received on Oct. 27, 2003

Letter from Melvin Washington, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2003/06/10/6681. Project: install 8 new antennas behind new screen wall; place prefab equipment shelter on roof. Permit Holder(s): Verizon Wireless.

ACTION: Request withdrawn by the requestor prior to meeting.

SPEAKERS: None.

(4) **APPEAL NO. 03-052**

LANDO SIU, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on March 25, 2003, of taxicab medallion #1181. RESOLUTION NO. 2003-12. **NOTE:** At the original hearing of June 4, 2003, the Board voted to uphold the subject revocation. On September 17, 2003, the Board voted to grant the jurisdiction request seeking a second 10-day rehearing request period; the Board also voted that same day to grant the rehearing request. FOR REHEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 3-0-2 (Commissioners Shoemaker & Saunders absent) to reschedule the appeal to Dec. 10, 2003 at the request of the parties.

SPEAKERS: None.

(5) **APPEAL NO. 03-133**

ISHTIAQ BOKHARI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 18, 2003, of a Driver of Public Passenger Vehicle for Hire Permit. RESOLUTION NO. 2003-65. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 3-0-2 (Commissioners Shoemaker & Saunders absent) to reschedule the appeal to Dec. 10, 2003 at the request of the parties.

SPEAKERS: None.

(6) **APPEAL NO. 03-114**

TOM WHELAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1441 Montgomery Street. Appealing a request dated July 7, 2003 for reinstatement of a suspended permit, addressed to Dept. of Building Inspection Director Frank Chiu, asking that Building Permit Application No(s). 2002/09/27/7630 (installation of a motorized chair lift) be reinstated because the Planning Commission has held a discretionary review (DR) hearing and approved the project as proposed. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the subject permit on condition that an NSR be recorded requiring removal of the chair lift upon the appellant vacating or upon the sale of the subject property.

SPEAKERS: Craig Nikitis, PD, explained the request for reinstatement of issued permit after suspension because no notification to the Telegraph Hill Dwellers. The Planning Commissioner denied a DR request and the permit was issued and suspended, and now in compliance with rules and can be reinstated. Tom Whelan, appellant, said he represents himself and other affected neighbors who are not to be in attendance for various reasons. He read a letter from one into the record. He said that the permit holder had not negotiated in good faith. Clint Callan, attorney for

permit holder, said the issue is only a matter of inches, and that alternatives to the plans are not economically feasible or simply impossible. One would cost $100,000. Public comment for appellant: Patricia Shean said there has not been an encroachment on the easement until the plan; she herself is disabled on on SSI. No public comment for permit holder. Edwin Callan, permit holder, in rebuttal said that his project is only 10 inches out, and will not inconvenience anyone.

(7) **APPEAL NO. 03-091**

LAURA FREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1274 Plymouth Avenue. Protesting the issuance on May 27, 2003, to Kenley Leung, Permit to Alter a Building (on single-family dwelling: add full bath on 2nd floor; replace existing rotten rear deck/stairs in kind; add 2 bedrooms, 2 bathrooms, family room and laundry at ground floor; no change to building envelope except windows). APPLICATION NO. 2003/05/27/5566. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeal to Dec. 10, 2003, for the appeal to be the first substantive case on the agenda, and for the permit holder to submit reduced sets of plans.

SPEAKERS: Laura Frey, appellant, requested a rescheduling to a night when all Commissioners would be present. Jeremy Paul, agent for permit holder, objected to the rescheduling request by the appellant and asked that the hearing go forward.

ITEMS (8A) & (8B) WERE HEARD TOGETHER:

(8A) **APPEAL NO. 03-096**

EVELYN WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1331 Green Street. Protesting the issuance on June 3, 2003, to Stephen Goldstine, Permit to Erect a Building (one-story single-family dwelling with 523sf of ground floor area). APPLICATION NO. 2001/03/30/5663. FOR HEARING TODAY.

ACTION: This appeal was withdrawn by the appellant, Evelyn Wong.

SPEAKERS: None.

(8B) **APPEAL NO. 03-097**

TAMI TWAROG & ELIZABETH WRIGHT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1331 Green Street. Protesting the issuance on June 3, 2003, to Stephen Goldstine, Permit to Erect a Building (one-story single-family dwelling with 523sf of ground floor area). APPLICATION NO. 2001/03/30/5663. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-1-1 (Commissioner Sugaya dissented, Commissioner Saunders absent) to uphold the subject permit on condition that the subject building be lowered 1 foot. Four votes being required to modify a departmental action, the permit was upheld without any conditions.

SPEAKERS: Elizabeth Wright, co-appellant, said that the earlier variance was granted on condition there be no construction in the front yard where project is proposed. She said the permit holder has continued to abuse the process, and that Imogen Cunningham, the former owner, did not own a car and would be appalled that her garden was to be destroyed in order to make room for a garage. She asked that the hearing be rescheduled to a night when all Commissioners would be present. Tami Twarog, co-appellant, described the 32 letters of support for their appeal, including one from the Russian Hill Neighbors. She said several issues have not been resolved yet, and that the hearing should be postponed until they are resolved. David Cincotta, attorney for permit holder, asked the Board to hold the hearing now, and not continue it again especially because the adjacent neighbor met with his client and withdrew her appeal. He said they have corrected the error in the plans pointed out by Commissioner Sugaya. He reminded the Board that no historic preservation group has come out in support of designation of this building as an historically significant building, and that this a jewel of a project. Stephen Goldstine, permit holder, said the Code requires a parking space for a new dwelling unit, and that the earlier variance decision was done by former ZA Passmore. Public comment for appellants: Linwood Fullam said he opposes the project because it will take away two curbside parking spaces in an area especially congested. Public comment for permit holder: Allen Temko said he is baffled by objections to a project that is a great example of in-fill housing, and that Imogen Cunningham was not narrow-minded. Dennis Gallagher said he is the only other one-family house on the street which is very densely developed and the site is appropriate for the project. Chris Bigelow said this project has had extensive review by DBI and Planning and has been found to be in compliance with all Codes, and policies and objectives of the General Plan which he quoted. Emily Keiler read a letter from Susan deMartini to the Board which described the garden as a security problem which is attractive to homeless people. Stephen Rodgers said the project will be good for the neighborhood and that the garden is an eyesore.

(9) **APPEAL NO. 03-129**

COLMAN BURKE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	1238 Masonic Avenue. Appealing the denial on August 21, 2003, of Permit to Alter a Building (change two-family dwelling to single-family dwelling). APPLICATION NO. 2003/01/14/5103 FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-0-2 (Commissioners Shoemaker & Saunders absent) to reschedule the appeal to Dec. 3, 2003 at the request of the parties.

SPEAKERS: None.

(10) **APPEAL NO. V03-130**

KEVIN COONEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2090 – 45th Avenue. Appealing the denial on August 20, 2003 of a Rear Yard Set Back Variance (proposal is to construct rear stairs to a proposed 3rd story addition to the existing dwelling). VARIANCE CASE NO. 2003.0436V. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to overrule the denial and grant the variance with adoption of findings as submitted by the appellant.

SPEAKERS: Craig Nikitis, PD, explained the reasons for the denial of the variance application including the failure to meet the hardship requirement. Kevin Cooney, appellant, described his small lot, ad his need for the extension to accommodate his large family. He said his neighbors support him. No public comment.

(11) **APPEAL NO. 03-131**

JOAN GIRARDOT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Marina Boulevard. Protesting the issuance on August 14, 2003, to Dolores Twitchell, Permit to Alter a Building (garden fence replacement, 40' long, 8' in height, 4X4 redwood post every 4', lattice covering). APPLICATION NO. 2033/08/14/2068. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to revoke the subject permit.

SPEAKERS: Joan Girardot, appellant, described the fence and its history, and asked the Board to order its removal. She said she is willing to share the cost of a new property line fence built with proper materials and with approved plans. She said that the permit was approved and issued erroneously, and that the permit holder has not complied with the DBI order to abate the code violations. Dolores Twitchell, permit holder, described the problems she has had, and said her fence does not block anyone's view of the bridge, and that the quality of the fence is her business. Laurence Kornfield, CBI DBI, said that the DBI does not require surveys because of the expense to parties and that one owner cannot build on her neighbor's parcel, nor can a permit be for construction on someone else's property. He said the fence was a hazard and in danger of falling over. Craig Nikitis, PD, said there is no planning issue. Public comment for appellant: Emeric Kalman said the fence is not safe because it is not anchored to the ground, and that it should be removed. David Drumheller said he is the son of the appellant but does not live there now. He said the fence is shoddy and does not fit in the neighborhood, and that the former fence was there for 40 years and was removed without any notice to the appellant. Maggie Martinez, niece of the permit holder, said the plants will grow in again and that the pouring of concrete has been suspended until the Board takes action on the appeal. Laurence Kornfield, CBI DBI, said the permit holder has been required to submit plans for the fence but has not done so yet. Catharine Barnes, DCA, explained the NOV abatement process.

(12) **APPEAL NO. V03-136**

DEIRDRE & KENNETH QUIGLEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	336 – 28th Street. Protesting the granting on August 20, 2003, to Andy Rodgers, Rear Yard Setback Variance (the stairs that extend from the 2nd story to the 3rd story shall be permitted to encroach into the required rear yard sufficient to provide access to the 3rd floor and the deck on the roof of the building). VARIANCE CASE NO. 2003.0609V. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-1-1 (Commissioner Sugaya dissented, Commissioner Saunders absent) to uphold the subject variance.

SPEAKERS: Ken Quigley, appellant, asked the Board to continue the hearing to a night when all five members are present and described his views of legal defects in the variance decision, and the error in the calendar caption for the case. He said the project has been built without a proper permit and that the variance is meant to compensate for errors by the Planning Department. He said that economic hardship is not sufficient to meet the requirements and that the variance holder is an architect and knows the rules, and should have designed the project in compliance with the codes so that no variance would be needed. Andy Rodgers, variance holder, said they have gone

through the required procedures, and they have met with the neighbors who did support the project 2 ½ years ago. No DR request was filed after notice was made. Craig Nikitis, PD, said the department does not make it a practice to cover its errors with variance decisions, and that this decision is supported by the facts in any case. He said this is a case of detrimental reliance on a departmental action. No public comment.

There being no further business, President Chin adjourned the meeting at 10:08 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 19, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

DOCUMENTS DEPT.

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(3) **ADDENDUM ITEMS:**

(3A) **REHEARING REQUEST:** Medallion No(s). 684 to 691
Appeal No(s). 03-093
UTW et al. vs. Taxi Commission

11-14-03A10:52 RCVD

Letter from Mark Gruberg, agent for appellant(s), UTW et al., requesting rehearing of Appeal No(s). 03-093, decided October 22, 2003. At that time, upon motion by Commissioner Shoemaker, the Board voted 2-2 (Vice President Harrington & Commissioner Saunders dissented) to overrule the Taxi Commission's decision to add Amy Welch and Philip Welch IV to the medallions listed above. Four votes being required to overturn or modify a departmental action under Charter § 4.106, the motion failed, and the Taxi Commission's decision was upheld.

(4) **APPEAL NO. 03-135**

MOHAMED AHMED, Appellant(s) vs. ART COMMISSION, Respondent	Appealing the denial on August 21, 2003, of the renewal of Street Artist Certificate No. 5877. FOR HEARING TODAY.

(5) **CONSENT ITEMS (DBI PENALTY):**

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(5A) **APPEAL NO. 03-138**

EVE SOLOMON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2526 Greenwich Street. Appeal for refund of penalty imposed on Sept. 5, 2003 for work done without a permit (on 3-unit building: corrective action to remove kitchen in social hall as per NOV no(s). 200226509). APPLICATION NO. 2002/06/17/9232. JURISDICTION GRANTED AUG. 27, 2003. FOR HEARING TODAY.

(6) **APPEAL NO. 03-044**

JOHN ARKEDER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on March 19, 2003, of taxicab medallion No. 1167. RESOLUTION NO. 2003-09. FOR HEARING TODAY.

(7) **APPEAL NO. 03-068**

JAMES NEILLY, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on April 23, 2003, of medallion No. 897. RESOLUTION NO. 2003-26. FOR HEARING TODAY.

(8) **APPEAL NO. 01-115**

THERESA ISSERMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	700 Vermont Street. Protesting issuance on June 20, 2001, to Raymond & Hazel Guaraglia, Permit to Alter a Building (demolish existing non-compliant residential units per Notice of Violation No. 200114983; remove all utilities to ground level; convert to original commercial space with no structural work to be done). APPLICATION NO. 2001/06/20/1935. PUBLIC TESTIMONY HEARD 6/19/03. FOR FURTHER CONSIDERATION TODAY.

(9) **APPEAL NO. 02-204**

LEE & RUTH ANN SEWARD, THOMAS & JODY ROBERTSON, SYDNEY GOLDSTEIN, STEVE & BRENDA BOTTUM, & RICK ELLIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2736 Pierce Street. Protesting the issuance on October 7, 2002, to P.Q. & June Chin, Permit to Alter a Building (sun deck on top of existing roof, 42" high rail, 4X4 post secured to existing structure(roof)). APPLICATION NO. 2002/10/07/8421. FOR HEARING TODAY.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 03-056**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on March 27, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: install 5' high fence on side of front yard, treated vertical posts on 4' centers, redwood lattice full height between verticals, pre-formed 3' metal footings driven into ground floor for verticals, capped by treated 2" X 4" (on side) tying 5 posts together; 8'6" free standing; rest next to building) APPLICATION NO. 2003/03/27/0836. FOR HEARING TODAY.

(10B) **APPEAL NO. 03-067**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on May 2, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: rebuild existing rear stairs in-kind). APPLICATION NO. 2003/05/02/3742. FOR HEARING TODAY.

(11) **APPEAL NO. 03-119**

LAMBERT LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	540 – 8th Avenue. Appealing the denial on August 5, 2003 of Permit to Demolish a Building (two-story single family house with 764sf of ground floor area). APPLICATION NO. 2002/12/09/3108. FOR HEARING TODAY.

(12) **APPEAL NO. 03-134**

BEN HONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1223 & 1225 Capitol Avenue. Protesting the issuance on August 18, 2003, to Michael Brown, Permit to Erect a Building (3-story, 2-unit building with 1,544sf of ground floor area). APPLICATION NO. 2002/07/10/1032. FOR HEARING TODAY.

(13) **APPEAL NO. 03-140**

MR. & MRS. WILLIAM WEINDORF, MR. & MRS. ALEX SCHWARTZ, MARY ROBINETTE, & SUSAN O'BRIEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	450 Hamilton Street. Protesting the issuance on August 26, 2003, to Abel Maldonado, Site Permit to Alter a Building (on single-family house: horizontal extension to rear of lot for increased size of master bedroom and bath at 2nd floor, and additional bedrooms at lower level). APPLICATION NO. 2002/02/05/8561S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: Nov. 13th, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
KATHLEEN HARRINGTON	VICE PRESIDENT
SABRINA N. SAUNDERS	COMMISSIONER
DOUGLAS SHOEMAKER	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 19, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Kathleen Harrington, Commissioner Douglas Shoemaker, Commissioner Hisashi Sugaya, and Commissioner Sabrina Saunders.

ABSENT: President Arnold Chin.

Catharine Barnes, Deputy City Attorney (DCA); Julian Banales, for the Planning Dept. (PD) & the Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (CBI DBI); Naomi Little, Executive Director, Taxi Commission (ED, TC); Howard Lazar, Executive Director, Street Artist Program, Art Commission (ED, SAP, AC); Executive Secretary Robert Feldman, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

DOCUMENTS DEPT.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:**

(3A) **REHEARING REQUEST:** Medallion No(s). 684 to 691
Appeal No(s). 03-093
UTW et al. vs. Taxi Commission

Letter from Mark Gruberg, agent for appellant(s), UTW et al., requesting rehearing of Appeal No(s). 03-093, decided October 22, 2003. At that time, upon motion by Commissioner Shoemaker, the Board voted 2-2 (Vice President Harrington & Commissioner Saunders dissented) to overrule the Taxi Commission's decision to add Amy Welch and Philip Welch IV to the medallions listed above. Four votes being required to overturn or modify a departmental action under Charter § 4.106, the motion failed, and the Taxi Commission's decision was upheld.

ACTION: Upon motion by Commissioner Saunders, the Board voted 2-2-1 (Commissioners Shoemaker and Sugaya dissented, President Chin absent) to deny the rehearing request. 4 votes being required to grant such a request under Sec. 16 of the Business & Tax Regulations Code, the rehearing request was denied.

SPEAKERS: Mark Gruberg, agent for appellants, requested that the item be rescheduled to a meeting with all five Commissioners. He asked the Board to grant the rehearing request for the reason that in his view one of the Commissioners had a conflict of interest and should have been recused from participating in the discussion on the appeal. Philip Ward, attorney for medallion holders, objected to the rescheduling request and asked the Board to consider the item with no further delay. Catharine Barnes, DCA, in response to Board questions, summarized the law regarding conflicts described by the appellant. No public comment.

(4) **APPEAL NO. 03-135**

MOHAMED AHMED, Appellant(s) vs. ART COMMISSION, Respondent	Appealing the denial on August 21, 2003, of the renewal of Street Artist Certificate No. 5877. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (President Chin absent) to uphold the denial of the renewal of the subject street artist certificate.

SPEAKERS: Howard Lazar, ED SAP, AC, explained why the appellant's application had been denied and urged the Board to uphold the decision of the Art Commission. Mohamed Ahmed, appellant,' explained his side of the incidents, which led to the denial and asked the Board to overrule the Art Commission and allow him to continue earning a living for his family. Susan Tibben, member of the Street Artist Advisory Committee, described her observations of the appellant's activities at his table, and urged the Board to uphold the denial of his application. Matthew Porkola, also a member of the Street Artist Advisory Committee, described his observations as well, and also asked the Board to uphold the denial. No public comment.

(5) **CONSENT ITEMS (DBI PENALTY):**

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(5A) **APPEAL NO. 03-138**

EVE SOLOMON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2526 Greenwich Street. Appeal for refund of penalty imposed on Sept. 5, 2003 for work done without a permit (on 3-unit building: corrective action to remove kitchen in social hall as per NOV no(s). 200226509). APPLICATION NO. 2002/06/17/9232. JURISDICTION GRANTED AUG. 27, 2003. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Harrington, the Board voted 4-0-1 (President Chin absent) to reduce the subject penalty to 2 times the regular fee.

SPEAKERS: None. DBI consented to the reduction.

(6) **APPEAL NO. 03-044**

JOHN ARKEDER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on March 19, 2003, of taxicab medallion No. 1167. RESOLUTION NO. 2003-09. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 3-1-1 (Commissioner Sugaya dissented, President Chin absent) to reschedule the appeal to Dec. 10, 2003.

SPEAKERS: Geoffrey Rotwein, attorney for appellant, asked for a rescheduling to a date with a full member Board. Naomi Little, ED, TC, did not object to the request.

(7) **APPEAL NO. 03-068**

JAMES NEILLY, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on April 23, 2003, of medallion No. 897. RESOLUTION NO. 2003-26. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-0-1 (President Chin absent) to reschedule the appeal to Dec. 10, 2003, and with the public hearing still open.

SPEAKERS: Geoffrey Rotwein, attorney for appellant, asked for a rescheduling to a date with a full member Board. Naomi Little, ED, TC, did not object to the request. Mark Gruberg, UTW, responded to the request.

(8) **APPEAL NO. 01-115**

THERESA ISSERMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	700 Vermont Street. Protesting issuance on June 20, 2001, to Raymond & Hazel Guaraglia, Permit to Alter a Building (demolish existing non-compliant residential units per Notice of Violation No. 200114983; remove all utilities to ground level; convert to original commercial space with no structural work to be done). APPLICATION NO. 2001/06/20/1935. PUBLIC TESTIMONY HEARD 6/19/03. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (President Chin absent) to reschedule the appeal to Jan. 28, 2004 at the written request of the parties.

SPEAKERS: None.

(9) **APPEAL NO. 02-204**

LEE & RUTH ANN SEWARD, THOMAS & JODY ROBERTSON, SYDNEY GOLDSTEIN, STEVE & BRENDA BOTTUM, & RICK ELLIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2736 Pierce Street. Protesting the issuance on October 7, 2002, to P.Q. & June Chin, Permit to Alter a Building (sun deck on top of existing roof, 42" high rail, 4X4 post secured to existing structure(roof)). APPLICATION NO. 2002/10/07/8421. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (President Chin absent) to reschedule the appeal to Jan. 28, 2004 at the written request of the parties.

SPEAKERS: None.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 03-056**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on March 27, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: install 5' high fence on side of front yard, treated vertical posts on 4' centers, redwood lattice full height between verticals, pre-formed 3' metal footings driven into ground floor for verticals, capped by treated 2" X 4" (on side) tying 5 posts together; 8'6" free standing; rest next to building) APPLICATION NO. 2003/03/27/0836. FOR HEARING TODAY.

(10B) **APPEAL NO. 03-067**

GREGORY ERLACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	531 – 43rd Avenue. Protesting the issuance on May 2, 2003, to Alan Freebury, Permit to Alter a Building (on two-family house: rebuild existing rear stairs in-kind). APPLICATION NO. 2003/05/02/3742. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (President Chin absent) to reschedule the appeal to Jan. 14, 2004, and for this appeal to be first on the agenda.

SPEAKERS: Raymond Erlach, attorney for appellant, asked for a rescheduling to a date with a full member Board. Evelyn Miller-Freebury, wife of appellant, objected to the request.

(11) **APPEAL NO. 03-119**

LAMBERT LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	540 – 8th Avenue. Appealing the denial on August 5, 2003 of Permit to Demolish a Building (two-story single family house with 764sf of ground floor area). APPLICATION NO. 2002/12/09/3108. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (President Chin absent) to reschedule the appeal to Dec. 3, 2003, and for this appeal to be first on the agenda.

SPEAKERS: Jeremy Paul, agent for appellant, asked for a rescheduling to a date with a full member Board.

(12) **APPEAL NO. 03-134**

BEN HONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1223 & 1225 Capitol Avenue. Protesting the issuance on August 18, 2003, to Michael Brown, Permit to Erect a Building (3-story, 2-unit building with 1,544sf of ground floor area). APPLICATION NO. 2002/07/10/1032. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-0-1 (President Chin absent) to reschedule the appeal to Feb. 25, 2004 at the written request of the parties.

SPEAKERS: None.

(13) **APPEAL NO. 03-140**

MR. & MRS. WILLIAM WEINDORF, MR. & MRS. ALEX SCHWARTZ, MARY ROBINETTE, & SUSAN O'BRIEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	450 Hamilton Street. Protesting the issuance on August 26, 2003, to Abel Maldonado, Site Permit to Alter a Building (on single-family house: horizontal extension to rear of lot for increased size of master bedroom and bath at 2nd floor, and additional bedrooms at lower level). APPLICATION NO. 2002/02/05/8561S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (President Chin absent) to reschedule the appeal to Jan. 14, 2004 at the written request of the parties.

SPEAKERS: None.

There being no further business, President Chin adjourned the meeting at 6:13 pm.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 3, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **SPECIAL ITEM(S):** Discussion concerning the customer satisfaction survey, a component of the Board of Appeals' customer service plan.

DOCUMENTS DEPT.

DEC - 1 2003

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12-01-03A10:44 RCVD

(4) **ADDENDUM ITEM(S):**

(4A) **REHEARING REQUEST:** 333 Ulloa Street
Appeal No(s). 03-126
Mattos vs. DBI, PDA

Letter from Keith Mattos, appellant, requesting rehearing of Appeal No(s). 03-126, decided October 29, 2003. At that time, upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (President Chin absent) to uphold the subject permit due to the non-appearance of the appellant. Project: alter and add bath on 2nd floor; add a bedroom on ground floor; legalize bath and bedroom on ground floor; add single level deck at rear of 2nd floor; add 4 skylights over bath and kitchen. Permit Holder(s): Miranda Li.

(4B) **REHEARING REQUEST:** 2776 Mission Street
Appeal No(s). 03-013
Low vs. DBI, Planning Dept. Disapproval

Letter from Dan Sullivan, Agent for Appellant Dennis Low, requesting a rehearing of Appeal No(s). 03-013, decided May 21, 2003. At that time, upon motion by Commissioner Shoemaker, the Board voted 2-3 (President Chin, Vice President Harrington & Commissioner Saunders dissented) to uphold the denial of the subject permit. Four votes being required under Charter § 4.106 to overturn any departmental action, the denial of the subject permit was upheld. Project: abate Notice of Violation No. 200232430; install front roll up gate; remove existing wall to replace existing 2'6" door with a new 3'0" door and 4X8 header with accessible door hardware; the gate is for security purposes, thus closed grill; retail open from 9am to 9pm.

(5) **APPEAL NO. V03-106**

ROGER LOTZ, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	561 Sanchez Street. Protesting the granting on June 24, 2003, to Gordon Atkinson (Subject Property Owner Gus Nelson), Rear Yard Variance (on single-family house: construction of a deck and stairs within the required rear yard of the existing, non-complying, single-family dwelling; the proposed deck would extend 3 feet to the north from the north building wall of the legal non-complying extension, 12 feet towards the rear with the stairs extending an additional 10 feet at the south side of the deck; no privacy screen is required). VARIANCE CASE NO. 2003.0040V. FOR HEARING TODAY.

(6) **APPEAL NO. 03-119**

LAMBERT LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	540 – 8th Avenue. Appealing the denial on August 5, 2003 of Permit to Demolish a Building (two-story single family house with 764sf of ground floor area). APPLICATION NO. 2002/12/09/3108. FOR HEARING TODAY.

(7) **APPEAL NO. 03-142**

ALL SAINTS EPISCOPAL CHURCH, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1350 Waller Street. Appealing the denial on September 3, 2003, of Permit to Remove & Replace One (1) Tree. ORDER NO. 174,345. FOR HEARING TODAY.

(8) **APPEAL NO. 03-077**

MARK ONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	2545 Greenwich Street. Appealing the denial on May 28, 2003, of Permit to Alter a Building (interior modification to combine 2 units into 1 unit, resulting in a 2-unit building; no additional space is created; no exterior changes). APPLICATION NO. 2002/09/12/6333. FOR HEARING TODAY.

(9) **APPEAL NO. 03-110**

BENJAMIN GACUSAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	687 Moultrie Street. Protesting the issuance on July 8, 2003, to John Regan, Permit to Alter a Building (on single-family house: constructing a new garage). APPLICATION NO. 2002/07/30/2706. FOR HEARING TODAY.

(10) **APPEAL NO. 03-122**

HONOR BULKLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	3632 Sacramento Street. Appealing the denial on August 14, 2003, of Permit to Alter a Building (on two-story office/residential building: level two of the subject property has been used for offices since about 1976; the purpose of this application is to bring the zoning classification into conformance with the longtime use as offices; no construction; no work). APPLICATION NO. 2003/07/11/9285. FOR HEARING TODAY.

(11) **APPEAL NO. 03-129**

COLMAN BURKE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	1238 Masonic Avenue. Appealing the denial on August 21, 2003, of Permit to Alter a Building (change two-family dwelling to single-family dwelling). APPLICATION NO. 2003/01/14/5103 FOR HEARING TODAY.

(12) **APPEAL NO. 03-139**

MARKY LYNN QUAYLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1300-1302 Rhode Island Street. Appealing the denial on September 9, 2003, of Permit to Alter a Building (on 2-unit building: 5 window awnings to protect inside from sun fade; 1 doorway awning to allow protection from rain). APPLICATION NO. 2003/04/18/2664. FOR HEARING TODAY.

(13) **APPEAL NO. 03-141**

AUDREY CARLSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2368 Vallejo Street. Protesting the issuance on August 28, 2003, to Gina Best, Permit to Alter a Building (on 2-unit building: new stucco façade to replace wood shingles; 3-story rear addition; remodel 2nd unit; remodel kitchen of 1st unit; remodel street entry of 2nd unit). APPLICATION NO. 2002/01/04/6319S. FOR HEARING TODAY.

(14) **CONSENT ITEMS (POLICE DEPARTMENT REVOCATION):** With the consent of the Police Department, the Board will proceed to a vote without testimony to overrule the revocation of the subject permit(s) with the condition that the appellants pay all appropriate permit fees and/or penalties. Without consent the Board will take testimony and then decide the appeal.

(14A) **APPEAL NO. 03-156**

BOB JOHNSON, Appellant(s) vs. POLICE DEPARTMENT, Respondent	Appealing the revocation on October 1, 2003, of a Pushcart Peddler Permit due to non-payment of fees. PERMIT NO. 000187. FOR HEARING TODAY.

(14) **CONSENT ITEMS (POLICE DEPARTMENT REVOCATION) CONTINUED:**

(14B) **APPEAL NO. 03-168**

JOY COSCULLUELA, Appellant(s) vs. POLICE DEPARTMENT, Respondent	Appealing the revocation on October 1, 2003, of a Masseuse Permit due to non-payment of fees. PERMIT NO. 002987. FOR HEARING TODAY.

(14C) **APPEAL NO. 03-171**

RAYMOND CHALKER dba "RAWHIDE II", Appellant(s) vs. POLICE DEPARTMENT, Respondent	280 – 7th Street. Appealing the revocation on October 1, 2003, of a Place of Entertainment Permit due to non-payment of fees. PERMIT NO. 000443. FOR HEARING TODAY.

(14D) **APPEAL NO. 03-172**

LYNN KIM dba "NITECAP", Appellant(s) vs. POLICE DEPARTMENT, Respondent	699 O'Farrell Street. Appealing the revocation on October 1, 2003, of a Mechanical Amusement Permit due to non-payment of fees. PERMIT NO. 045010. FOR HEARING TODAY.

(14E) **APPEAL NO. 03-173**

LYNN KIM dba "NITECAP", Appellant(s) vs. POLICE DEPARTMENT, Respondent	699 O'Farrell Street. Appealing the revocation on October 1, 2003, of a Billiard Parlor Permit due to non-payment of fees. PERMIT NO. 000899. FOR HEARING TODAY.

(14F) **APPEAL NO. 03-174**

ERICK RAMIREZ, Appellant(s) vs. POLICE DEPARTMENT, Respondent	Appealing the revocation on October 1, 2003, of a Tow Car Driver Permit due to non-payment of fees. PERMIT NO. 001347. FOR HEARING TODAY.

(15) **CONSENT ITEMS (TAXI COMMISSION REVOCATION):** With the consent of the Taxi Commission, the Board will proceed to a vote without testimony to overrule the revocation of the subject permit(s) with the condition that the appellants pay all appropriate permit fees and/or penalties. Without consent the Board will take testimony and then decide the appeal.

(15A) **APPEAL NO. 03-145**

MEHDI KASTELLI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 053962. FOR HEARING TODAY.

(15B) **APPEAL NO. 03-151**

JUBAL GREENWOOD, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 051030. FOR HEARING TODAY.

(15C) **APPEAL NO. 03-152**

MOHAMED AMMAR, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 054798. FOR HEARING TODAY.

(15D) **APPEAL NO. 03-157**

ZIKAR EBONG, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 042323. FOR HEARING TODAY.

(15) **CONSENT ITEMS (TAXI COMMISSION REVOCATION) CONTINUED:**

(15E) **APPEAL NO. 03-158**

TONY DAO, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 048965. FOR HEARING TODAY.

(15F) **APPEAL NO. 03-159**

BRADLEY CHANG, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 052765. FOR HEARING TODAY.

(15G) **APPEAL NO. 03-160**

THOMAS MEHRTEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 046198. FOR HEARING TODAY.

(15H) **APPEAL NO. 03-161**

YVAN VIZCARDO, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 056418. FOR HEARING TODAY.

(15) **CONSENT ITEMS (TAXI COMMISSION REVOCATION) CONTINUED:**

(15I) **APPEAL NO. 03-162**

ROBERT HARRIS, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 048265. FOR HEARING TODAY.

(15J) **APPEAL NO. 03-163**

WAN WONG, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 052645. FOR HEARING TODAY.

(15K) **APPEAL NO. 03-164**

DOMINGO OPULENCIA, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 050518. FOR HEARING TODAY.

(15L) **APPEAL NO. 03-165**

EUGENE YEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 050631. FOR HEARING TODAY.

(15) **CONSENT ITEMS (TAXI COMMISSION REVOCATION) CONTINUED:**

(15M) **APPEAL NO. 03-166**

MARK BUSHNELL, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 047337. FOR HEARING TODAY.

(15N) **APPEAL NO. 03-169**

JONAS COEHLO, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 051739. FOR HEARING TODAY.

(15O) **APPEAL NO. 03-170**

MARWAN MARJI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 049104. FOR HEARING TODAY.

(15P) **APPEAL NO. 03-175**

BENJAMIN USOG, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 044344. FOR HEARING TODAY.

(15) **CONSENT ITEMS (TAXI COMMISSION REVOCATION) CONTINUED:**

(15Q) **APPEAL NO. 03-176**

DAVID KERN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 050765. FOR HEARING TODAY.

(15R) **APPEAL NO. 03-177**

LOREN FOWLER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 033743. FOR HEARING TODAY.

(15S) **APPEAL NO. 03-178**

WILLIAM CLARK, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 053764. FOR HEARING TODAY.

(15T) **APPEAL NO. 03-183**

ABDUL RAZAK, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 054652. FOR HEARING TODAY.

(15) **CONSENT ITEMS (TAXI COMMISSION REVOCATION) CONTINUED:**

(15U) **APPEAL NO. 03-189**

KHALED ABDELNABY, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 051773. JURISDICTION GRANTED NOV. 12, 2003. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: November 25th, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
KATHLEEN HARRINGTON	**VICE PRESIDENT**
SABRINA N. SAUNDERS	**COMMISSIONER**
DOUGLAS SHOEMAKER	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 3, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, Vice President Kathleen Harrington, Commissioner Douglas Shoemaker, and Commissioner Hisashi Sugaya.

ABSENT: Commissioner Sabrina Saunders.

Catharine Barnes, Deputy City Attorney (DCA); Jonas Ionin, for the Planning Dept. (PD) & the Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (CBI DBI); Inspector Farrell Suslow of the Police Dept. Taxi Detail for the Taxi Commission (TC); Tony Wolcott, Acting Urban Forester, Dept. of Public Works Bureau of Urban Forestry; Executive Secretary Robert Feldman, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **SPECIAL ITEM(S):** Discussion concerning the customer satisfaction survey, a component of the Board of Appeals' customer service plan.

SPEAKERS: None.

DOCUMENTS DEPT.

FEB - 6 2004

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(4) **ADDENDUM ITEM(S):**

(4A) **REHEARING REQUEST:** 333 Ulloa Street
Appeal No(s). 03-126
Mattos vs. DBI, PDA

Letter from Keith Mattos, appellant, requesting rehearing of Appeal No(s). 03-126, decided October 29, 2003. At that time, upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (President Chin absent) to uphold the subject permit due to the non-appearance of the appellant. Project: alter and add bath on 2nd floor; add a bedroom on ground floor; legalize bath and bedroom on ground floor; add single level deck at rear of 2nd floor; add 4 skylights over bath and kitchen. Permit Holder(s): Miranda Li.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to grant the rehearing request and to schedule the rehearing for Dec. 17, 2003.

SPEAKERS: Keith Mattos, requestor/appellant, said a rehearing is justified because he had not appeared at the hearing after being assured his issues were being addressed, and they have not been. Jeremy Paul, agent for permit holder, ecplained that it was his understanding that an agreement had been reached, and that the appeal would be withdrawn in exchange for accommodation to the neighbor. He objected to the granting of a rehearing, because the project has been delayed for months already. No public comment.

(4B) **REHEARING REQUEST:** 2776 Mission Street
Appeal No(s). 03-013
Low vs. DBI, Planning Dept. Disapproval

Letter from Dan Sullivan, Agent for Appellant Dennis Low, requesting a rehearing of Appeal No(s). 03-013, decided May 21, 2003. At that time, upon motion by Commissioner Shoemaker, the Board voted 2-3 (President Chin, Vice President Harrington & Commissioner Saunders dissented) to uphold the denial of the subject permit. Four votes being required under Charter § 4.106 to overturn any departmental action, the denial of the subject permit was upheld. Project: abate Notice of Violation No. 200232430; install front roll up gate; remove existing wall to replace existing 2'6" door with a new 3'0" door and 4X8 header with accessible door hardware; the gate is for security purposes, thus closed grill; retail open from 9am to 9pm.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the request to Dec. 17, 2003.

SPEAKERS: Dan Sullivan agent for appellant, asked for a rescheduling due to the lack of a five-member Board.

(5) **APPEAL NO. V03-106**

ROGER LOTZ, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	561 Sanchez Street. Protesting the granting on June 24, 2003, to Gordon Atkinson (Subject Property Owner Gus Nelson), Rear Yard Variance (on single-family house: construction of a deck and stairs within the required rear yard of the existing, non-complying, single-family dwelling; the proposed deck would extend 3 feet to the north from the north building wall of the legal non-complying extension, 12 feet towards the rear with the stairs extending an additional 10 feet at the south side of the deck; no privacy screen is required). VARIANCE CASE NO. 2003.0040V. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-0-2 (Commissioners Shoemaker & Saunders absent) to reschedule the appeal to Jan. 21, 2004 at the written request of the parties.

SPEAKERS: None.

(6) **APPEAL NO. 03-119**

LAMBERT LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	540 – 8th Avenue. Appealing the denial on August 5, 2003 of Permit to Demolish a Building (two-story single family house with 764sf of ground floor area). APPLICATION NO. 2002/12/09/3108. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeal to Dec. 17, 2003.

SPEAKERS: Jeremy Paul, agent for appellant, requested a rescheduling a date with a five-member Board.

(7) **APPEAL NO. 03-142**

ALL SAINTS EPISCOPAL CHURCH, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1350 Waller Street. Appealing the denial on September 3, 2003, of Permit to Remove & Replace One (1) Tree. ORDER NO. 174,345. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (Commissioner Saunders absent) to overrule the denial, grant the subject permit on condition that the appellant wait 90 days to see if a new owner can be found for the subject palm tree, and on condition that the subject palm tree be replaced with 2 trees that are acceptable to DPW BUF.

SPEAKERS: Tony Wolcott, AUF, DPW BUF, described the subject queen palm, which he said is a healthy mature tree not common to the City, and which transfers quite well. Fred Horsfield, agent for appellant, explained the history of the church, its plans for improvements, and the need to replace the palm with 2 trees which are more suitable. No public comment.

(8) **APPEAL NO. 03-077**

MARK ONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	2545 Greenwich Street. Appealing the denial on May 28, 2003, of Permit to Alter a Building (interior modification to combine 2 units into 1 unit, resulting in a 2-unit building; no additional space is created; no exterior changes). APPLICATION NO. 2002/09/12/6333. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the appeal to Dec. 10, 2003 at the written request of the parties.

SPEAKERS: None.

(9) **APPEAL NO. 03-110**

BENJAMIN GACUSAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	687 Moultrie Street. Protesting the issuance on July 8, 2003, to John Regan, Permit to Alter a Building (on single-family house: constructing a new garage). APPLICATION NO. 2002/07/30/2706. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the permit on condition that the east window be eliminated from the plans, and

that the trusses be redesigned to accommodate storage loads, and any foundation revisions as required.

SPEAKERS: Benjamin Gacusan, appellant, said the proposed alteration will create a wall next to him that is too high, and he is concerned about the new foundation being planned. He said he wants the second floor over proposed garage to be deleted from the plans because it could be used for an illegal unit. John Regan, permit holder, said he wants to keep the flavor of the area but that the appellant has a point regarding the foundation, and that his architect will address it, and the window will be deleted as requested by the Board. He said there is no intention to use the addition as an illegal unit. Laurence Kornfield, CBI, DBI, said the foundation work will require a new permit application, and that the deletion of the window requires a revision to the current plans. Jonas Ionin, PD, said that any addition in the required rear yard would require the granting of a variance. Public comment: Margot Quinlan spoke in support of the permit holder, and explained that he needed space for his cars and motorcycles, with two cars at front and motorcycles at rear.

(10) **APPEAL NO. 03-122**

HONOR BULKLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	3632 Sacramento Street. Appealing the denial on August 14, 2003, of Permit to Alter a Building (on two-story office/residential building: level two of the subject property has been used for offices since about 1976; the purpose of this application is to bring the zoning classification into conformance with the longtime use as offices; no construction; no work). APPLICATION NO. 2003/07/11/9285. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to overrule the denial, grant the permit with adoption of findings on Dec. 17, 2003.

SPEAKERS: Jonas Ionin, PD, explained why the permit application was denied for legalization of 2nd floor commercial use. Honor Bulkley, appellant, described the history of ownership and use of the building and asked the Board to allow continuation of the use which is compatible with the neighborhood and supported by the neighbors. Four people stood up in the audience to show their support of the appeal. Michael Yarne, attorney for appellant, explained the history of the zoning regulations for the area and said the use was n compliance before the 1980's before the NCD went into effect. He said the previous owner had begun the permit process to legalize the use under the new regulations but did not complete the process because of medical problems after which the application was cancelled. Public comment for appellant: Jack Kaus described the mixed-used character of the area and said this application is appropriate. Bobbie Sue Hood, architect for appellant, explained the history of the building during the previous ownership. Mary Murphy, attorney for appellant, explained that the application is consistent with the Code, and similar to one the Board recently approved, and that the Board has discretion to approve the application.

Catharine Barnes, DCA, advised the Board on the legal aspects of the case and explained the grace period enacted to allow for legalization of commercial uses in this neighborhood.

(11) **APPEAL NO. 03-129**

COLMAN BURKE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	1238 Masonic Avenue. Appealing the denial on August 21, 2003, of Permit to Alter a Building (change two-family dwelling to single-family dwelling). APPLICATION NO. 2003/01/14/5103 FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 3-0-2 (Commissioners Shoemaker & Saunders absent) to reschedule the appeal to Jan. 28, 2004 at the written request of the parties.

SPEAKERS: None.

(12) **APPEAL NO. 03-139**

MARKY LYNN QUAYLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1300-1302 Rhode Island Street. Appealing the denial on September 9, 2003, of Permit to Alter a Building (on 2-unit building: 5 window awnings to protect inside from sun fade; 1 doorway awning to allow protection from rain). APPLICATION NO. 2003/04/18/2664. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 2-2-1 (Commissioners Shoemaker & Sugaya dissented) to reschedule the matter to the Call of the Chair. 3 votes being required to reschedule a matter, the motion failed. Afterwards, upon motion by President Chin, the Board voted 2-2-1 (Commissioners Shoemaker & Sugaya dissented) to overrule the denial and grant the subject permit. 4 votes being required to overturn or modify a departmental action, the motion failed, and the denial was upheld.

SPEAKERS: Jonas Ionin, PD, explained the Code's clear prohibition of awnings in residential zoning districts. He described the NSR recorded by the appellant which listed conditions imposed on her after an earlier case, including a requirement to remove awnings on this residential building. Marky Lynn Quayle, appellant, asked the Board to amend the Planning Code to allow awnings on residential buildings, and she described the benefit to occupants and residents of awnings. No public comment.

(13) **APPEAL NO. 03-141**

AUDREY CARLSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2368 Vallejo Street. Protesting the issuance on August 28, 2003, to Gina Best, Permit to Alter a Building (on 2-unit building: new stucco façade to replace wood shingles; 3-story rear addition; remodel 2nd unit; remodel kitchen of 1st unit; remodel street entry of 2nd unit). APPLICATION NO. 2002/01/04/6319S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 3-0-2 (Commissionera Shoemaker & Saunders absent) to reschedule the appeal to Jan. 14, 2004 at the written request of the parties.

SPEAKERS: None.

(14) **CONSENT ITEMS (POLICE DEPARTMENT REVOCATION):** With the consent of the Police Department, the Board will proceed to a vote without testimony to overrule the revocation of the subject permit(s) with the condition that the appellants pay all appropriate permit fees and/or penalties. Without consent the Board will take testimony and then decide the appeal.

(14A) **APPEAL NO. 03-156**

BOB JOHNSON, Appellant(s) vs. POLICE DEPARTMENT, Respondent	Appealing the revocation on October 1, 2003, of a Pushcart Peddler Permit due to non-payment of fees. PERMIT NO. 000187. FOR HEARING TODAY.

14B) **APPEAL NO. 03-168**

JOY COSCULLUELA, Appellant(s) vs. POLICE DEPARTMENT, Respondent	Appealing the revocation on October 1, 2003, of a Masseuse Permit due to non-payment of fees. PERMIT NO. 002987. FOR HEARING TODAY.

(14C) **APPEAL NO. 03-171**

RAYMOND CHALKER dba "RAWHIDE II", Appellant(s) vs. POLICE DEPARTMENT, Respondent	280 – 7th Street. Appealing the revocation on October 1, 2003, of a Place of Entertainment Permit due to non-payment of fees. PERMIT NO. 000443. FOR HEARING TODAY.

(14D) **APPEAL NO. 03-172**

LYNN KIM dba "NITECAP", Appellant(s) vs. POLICE DEPARTMENT, Respondent	699 O'Farrell Street. Appealing the revocation on October 1, 2003, of a Mechanical Amusement Permit due to non-payment of fees. PERMIT NO. 045010. FOR HEARING TODAY.

(14E) **APPEAL NO. 03-173**

LYNN KIM dba "NITECAP", Appellant(s) vs. POLICE DEPARTMENT, Respondent	699 O'Farrell Street. Appealing the revocation on October 1, 2003, of a Billiard Parlor Permit due to non-payment of fees. PERMIT NO. 000899. FOR HEARING TODAY.

(14F) **APPEAL NO. 03-174**

ERICK RAMIREZ, Appellant(s) vs. POLICE DEPARTMENT, Respondent	Appealing the revocation on October 1, 2003, of a Tow Car Driver Permit due to non-payment of fees. PERMIT NO. 001347. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to overrule the revocations on condition that the appellants pay the permit fee and penalty, and take the receipt of payment to the Police Dept. Permit Bureau.

SPEAKERS: None.

(15) **CONSENT ITEMS (TAXI COMMISSION REVOCATION):** With the consent of the Taxi Commission, the Board will proceed to a vote without testimony to overrule the revocation of the subject permit(s) with the condition that the appellants pay all appropriate permit fees and/or penalties. Without consent the Board will take testimony and then decide the appeal.

(15A) **APPEAL NO. 03-145**

MEHDI KASTELLI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 053962. FOR HEARING TODAY.

(15B) **APPEAL NO. 03-151**

JUBAL GREENWOOD, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 051030. FOR HEARING TODAY.

(15C) **APPEAL NO. 03-152**

MOHAMED AMMAR, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 054798. FOR HEARING TODAY.

(15D) **APPEAL NO. 03-157**

ZIKAR EBONG, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 042323. FOR HEARING TODAY.

(15) **CONSENT ITEMS (TAXI COMMISSION REVOCATION) CONTINUED:**

(15E) **APPEAL NO. 03-158**

TONY DAO, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 048965. FOR HEARING TODAY.

(15F) **APPEAL NO. 03-159**

BRADLEY CHANG, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 052765. FOR HEARING TODAY.

(15G) **APPEAL NO. 03-160**

THOMAS MEHRTEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 046198. FOR HEARING TODAY.

(15H) **APPEAL NO. 03-161**

YVAN VIZCARDO, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 056418. FOR HEARING TODAY.

(15) **CONSENT ITEMS (TAXI COMMISSION REVOCATION) CONTINUED:**

(15I) **APPEAL NO. 03-162**

ROBERT HARRIS, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 048265. FOR HEARING TODAY.

(15J) **APPEAL NO. 03-163**

WAN WONG, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 052645. FOR HEARING TODAY.

(15K) **APPEAL NO. 03-164**

DOMINGO OPULENCIA, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 050518. FOR HEARING TODAY.

(15L) **APPEAL NO. 03-165**

EUGENE YEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 050631. FOR HEARING TODAY.

(15) **CONSENT ITEMS (TAXI COMMISSION REVOCATION) CONTINUED:**

(15M) **APPEAL NO. 03-166**

MARK BUSHNELL, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 047337. FOR HEARING TODAY.

(15N) **APPEAL NO. 03-169**

JONAS COEHLO, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 051739. FOR HEARING TODAY.

(15O) **APPEAL NO. 03-170**

MARWAN MARJI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 049104. FOR HEARING TODAY.

(15P) **APPEAL NO. 03-175**

BENJAMIN USOG, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 044344. FOR HEARING TODAY.

(15) **CONSENT ITEMS (TAXI COMMISSION REVOCATION) CONTINUED:**

(15Q) **APPEAL NO. 03-176**

DAVID KERN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 050765. FOR HEARING TODAY.

(15R) **APPEAL NO. 03-177**

LOREN FOWLER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 033743. FOR HEARING TODAY.

(15S) **APPEAL NO. 03-178**

WILLIAM CLARK, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 053764. FOR HEARING TODAY.

(15T) **APPEAL NO. 03-183**

ABDUL RAZAK, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 054652. FOR HEARING TODAY.

(15) **CONSENT ITEMS (TAXI COMMISSION REVOCATION) CONTINUED:**

(15U) **APPEAL NO. 03-189**

KHALED ABDELNABY, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 2, 2003, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 051773. JURISDICTION GRANTED NOV. 12, 2003. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Saunders absent) to overrule the revocations on condition that the appellants pay the permit fee and penalty, and complete the Police Dept. Taxi Detail driver training course.

SPEAKERS: None.

There being no further business, President Chin adjourned the meeting at 7:29 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 10, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.

DEC - 5 2003

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:** None.

(4) **APPEAL NO. 03-091**

LAURA FREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1274 Plymouth Avenue. Protesting the issuance on May 27, 2003, to Kenley Leung, Permit to Alter a Building (on single-family dwelling: add full bath on 2nd floor; replace existing rotten rear deck/stairs in kind; add 2 bedrooms, 2 bathrooms, family room and laundry at ground floor; no change to building envelope except windows). APPLICATION NO. 2003/05/27/5566. FOR HEARING TODAY.

(5) **APPEAL NO. 03-077**

MARK ONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	2545 Greenwich Street. Appealing the denial on May 28, 2003, of Permit to Alter a Building (interior modification to combine 2 units into 1 unit, resulting in a 2-unit building; no additional space is created; no exterior changes). APPLICATION NO. 2002/09/12/6333. FOR HEARING TODAY.

(6) **APPEAL NO. 03-052**

LANDO SIU, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on March 25, 2003, of taxicab medallion #1181. RESOLUTION NO. 2003-12. **NOTE:** At the original hearing of June 4, 2003, the Board voted to uphold the subject revocation. On September 17, 2003, the Board voted to grant the jurisdiction request seeking a second 10-day rehearing request period; the Board also voted that same day to grant the rehearing request. FOR REHEARING TODAY.

(7) **APPEAL NO. 03-044**

JOHN ARKEDER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on March 19, 2003, of taxicab medallion No. 1167. RESOLUTION NO. 2003-09. FOR HEARING TODAY.

(8) **APPEAL NO. 03-068**

JAMES NEILLY, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on April 23, 2003, of medallion No. 897. RESOLUTION NO. 2003-26. FOR HEARING TODAY.

(9) **APPEAL NO. 03-154**

ULYSSES NAPURI dba "LAST STOP SOUVENIR", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	498 Beach Street. Appealing the denial on May 5, 2003, of a Sidewalk Display Merchandise Permit. ORDER NO. 174,098. JURISDICTION GRANTED SEPT. 17, 2003. FOR HEARING TODAY.

(10) **APPEAL NO. V03-146**

JOHN ZERBE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	341 Arkansas Street. Appealing the denial on September 19, 2003, of a Parking Variance (proposal is to add a second dwelling unit to the existing single-family house without providing the required additional parking space). VARIANCE CASE NO. 2003.0116V. FOR HEARING TODAY.

ITEMS (11A), (11B) & (11C) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 03-147**

LEUNG TO CHOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	111 Lobos Street. Appealing the denial on September 26, 2003, of Permit to Demolish a Building (two-story single family house with 1,316sf of ground floor area). APPLICATION NO. 2002/07/15/1446. FOR HEARING TODAY.

(11B) **APPEAL NO. 03-148**

LEUNG TO CHOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	111 Lobos Street (Building B). Appealing the denial on September 26, 2003, of Site Permit to Erect a Building (three-story single family house with 1,602sf of ground floor area). APPLICATION NO. 2002/07/15/1437S. FOR HEARING TODAY.

(11C) **APPEAL NO. 03-149**

LEUNG TO CHOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	111 Lobos Street (Building A). Appealing the denial on September 26, 2003, of Site Permit to Erect a Building (three-story single family house with 1,602sf of ground floor area). APPLICATION NO. 2002/07/15/1442S. FOR HEARING TODAY.

(12) **APPEAL NO. 03-150**

JESSIEKA DETRINIDAD, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	737 Pine Street. Appealing a determination dated July 7, 2003, addressed to Niall MacCormack, that the proposed conversion of storage space to a dwelling unit in this 39-unit apartment building would constitute an intensification of a legal non-conforming use, which is prohibited under Planning Code § 181(a). JURISDICTION GRANTED SEPT. 17, 2003. FOR HEARING TODAY.

(13) **APPEAL NO. 03-153**

MICHAEL McCREADY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	355 Country Club Drive. Protesting the issuance on September 18, 2003, to Karen Wong, Site Permit to Alter a Building (on single-family house: 2nd floor addition). APPLICATION NO. 2001/08/21/6532S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Date posted: December 4th, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
KATHLEEN HARRINGTON	**VICE PRESIDENT**
SABRINA N. SAUNDERS	**COMMISSIONER**
DOUGLAS SHOEMAKER	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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DEPARTMENT 41

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 10, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Arnold Chin, , Commissioner Douglas Shoemaker, Commissioner Hisashi Sugaya, and Commissioner Sabrina Saunders.

ABSENT: Vice President Kathleen Harrington.

Catharine Barnes, Deputy City Attorney (DCA); Jim Nixon, Acting Zoning Administrator (AZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (CBI DBI); Naomi Little, Excetuive Director of the Taxi Commission (ED, TC); John Kwong for the Dept. of Public Works Bureau of Street Use & Mapping; Executive Secretary Robert Feldman, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Mark Gruberg explained the issues involved in Prop. N and the idea that medallion holders who cannot meet the driving requirements still have a pension and are not reuired to surrender their medallions for reissuance to the next applicant on the list, and he complained about a rehearing not being granted in the Welch matter.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:** None.

DOCUMENTS DEPT.

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(4) **APPEAL NO. 03-091**

LAURA FREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1274 Plymouth Avenue. Protesting the issuance on May 27, 2003, to Kenley Leung, Permit to Alter a Building (on single-family dwelling: add full bath on 2nd floor; replace existing rotten rear deck/stairs in kind; add 2 bedrooms, 2 bathrooms, family room and laundry at ground floor; no change to building envelope except windows). APPLICATION NO. 2003/05/27/5566. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (Vice President Harrington absent) to uphold the permit with various conditions as set forth in the record.

SPEAKERS: Laura Frey, appellant, objected to the proposal which to her appeared to create a house out of scale with the neighborhood, which could be used as a dormitory because of the number of bedrooms and bathrooms. She asked the Board to revise the plans. Jeremy Paul, agent for permit holder, explained the proposal, saying that there is no intention to use the house for anything other than a one-family house. Public comment for the appellant:: Danny Burkes said the Westwood Park HOA opposes the plan because it appears to create a multi-family building, and asked the Board to require the recordation of an NSR to insure one-family use. Anita Theoharis said she agreed with the position of the HOA and the appellant, and said that they had not received a copy of the revised plans to review, and that the Board should not make any decision until they had the revised plans. No public comment for the permit holder. Jim Nixon, AZA, said his staff approved the plans, and explained the regulations concerning double density for senior only housing with government subsidy, not applicable in this case of private development. He said the department can approve internal stairways, and that the recently adopted State law concerning second units has no applicability here. Laurence Kornfield, CBI, DBI, explained the consequences of requiring the moving of a wall, and said it is not practical here, nor is there room for two cars in tandem in the garage.

(5) **APPEAL NO. 03-077**

MARK ONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	2545 Greenwich Street. Appealing the denial on May 28, 2003, of Permit to Alter a Building (interior modification to combine 2 units into 1 unit, resulting in a 2-unit building; no additional space is created; no exterior changes). APPLICATION NO. 2002/09/12/6333. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 4-0-1 (Vice President Harrington absent) to reschedule the appeal to Dec. 17, 2003 at the written request of the parties.

SPEAKERS: None.

(6) **APPEAL NO. 03-052**

LANDO SIU, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on March 25, 2003, of taxicab medallion #1181. RESOLUTION NO. 2003-12. **NOTE:** At the original hearing of June 4, 2003, the Board voted to uphold the subject revocation. On September 17, 2003, the Board voted to grant the jurisdiction request seeking a second 10-day rehearing request period; the Board also voted that same day to grant the rehearing request. FOR REHEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Vice President Harrington absent) to reschedule the appeal to Jan. 21, 2004 at the written request of the parties.

SPEAKERS: None.

(7) **APPEAL NO. 03-044**

JOHN ARKEDER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on March 19, 2003, of taxicab medallion No. 1167. RESOLUTION NO. 2003-09. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 3-1-1 (President Chin dissented, Vice President Harrington absent) to reschedule the appeal to Jan. 28, 2004.

SPEAKERS: Dan Hinds, speaking for the appellant, asked the Board for a rescheduling to a night with a five-member Board.

(8) **APPEAL NO. 03-068**

JAMES NEILLY, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on April 23, 2003, of medallion No. 897. RESOLUTION NO. 2003-26. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Shoemaker, the Board voted 3-1-1 (President Chin dissented, Vice President Harrington absent) to reschedule the appeal to Jan. 28, 2004.

SPEAKERS: Dan Hinds, speaking for the appellant, asked the Board for a rescheduling to a night with a five-member Board.

(9) **APPEAL NO. 03-154**

ULYSSES NAPURI dba "LAST STOP SOUVENIR", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	498 Beach Street. Appealing the denial on May 5, 2003, of a Sidewalk Display Merchandise Permit. ORDER NO. 174,098. JURISDICTION GRANTED SEPT. 17, 2003. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-0-1 (Vice President Harrington absent) to continue the appeal to Feb. 25, 2004 with the public hearing closed.

SPEAKERS: John Kwong, DPW BSM, explained the denial of the appellant's application for sidewalk merchandise display, and urged the Board to uphold the denial. He explained the jurisdictional issues for the City and the Port Commission. Maria Napuri, wife of the appellant, described the present use of the property and how the sidewalk is used in compliance with DPW regulations. Ulysses Napuri, appellant, said he has conducted his business on the site for 8 years with no problems. He said businesses across the street do the same things and are not being cited. Laurence Kornfield, CBI, DBI, described the permit situation for the premises and said there is no permit for the building or this commercial use. Jim Nixon, AZA, explained the zoning regulations that apply to this property and said there was one complaint made to the department in September of last year, and that a letter was sent to the property owner. Public comment for the appellant: Susan Holder said she has been at Fisherman's Wharf for the last 30 years, and that there has been no problem with the appellant's business. No public comment for the respondent.

(10) **APPEAL NO. V03-146**

JOHN ZERBE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	341 Arkansas Street. Appealing the denial on September 19, 2003, of a Parking Variance (proposal is to add a second dwelling unit to the existing single-family house without providing the required additional parking space). VARIANCE CASE NO. 2003.0116V. FOR HEARING TODAY.

ACTION: Upon motion by Presdient Chin, the Board voted 4-0-1 (Vice President Harrington absent) to reschedule the appeal to Jan. 28, 2004.

SPEAKERS: Jim Nixon, AZA, explained the denial and asked the Board to continue the hearing to give the appellant the opportunity to submit revised drawings which comply with his decision. John

Zerbe, appellant, described the dimensions of the subject space and agreed to a continuance so that he can submit complying plans. He said that he will submit plans to the AZA by Dec. 23, 2003 for review at the meeting of Jan. 28, 2004.

ITEMS (11A), (11B) & (11C) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 03-147**

LEUNG TO CHOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	111 Lobos Street. Appealing the denial on September 26, 2003, of Permit to Demolish a Building (two-story single family house with 1,316sf of ground floor area). APPLICATION NO. 2002/07/15/1446. FOR HEARING TODAY.

(11B) **APPEAL NO. 03-148**

LEUNG TO CHOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	111 Lobos Street (Building B). Appealing the denial on September 26, 2003, of Site Permit to Erect a Building (three-story single family house with 1,602sf of ground floor area). APPLICATION NO. 2002/07/15/1437S. FOR HEARING TODAY.

(11C) **APPEAL NO. 03-149**

LEUNG TO CHOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	111 Lobos Street (Building A). Appealing the denial on September 26, 2003, of Site Permit to Erect a Building (three-story single family house with 1,602sf of ground floor area). APPLICATION NO. 2002/07/15/1442S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 3-0-2 (Vice President Harrington and Commissioner Saunders absent) to reschedule the appeal to Jan. 21, 2004 at the written request of the parties.

SPEAKERS: None.

(12) **APPEAL NO. 03-150**

JESSIEKA DETRINIDAD, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	737 Pine Street. Appealing a determination dated July 7, 2003, addressed to Niall MacCormack, that the proposed conversion of storage space to a dwelling unit in this 39-unit apartment building would constitute an intensification of a legal non-conforming use, which is prohibited under Planning Code § 181(a). JURISDICTION GRANTED SEPT. 17, 2003. FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Vice President Harrington absent) to continue the appeal to Jan. 28, 2004.

SPEAKERS: Jim Nixon, AZA, explained his determination and said the proposed unit would be a 40th unit and that 39 units are the maximum allowed in this non-conforming apartment house under zoning regulations. Jessieka deTrinidad, appellant, said that the building's original use was a 41-unit apartment house, and that she as manager intends to occupy it once it's approved. She said the space has all utilities already since it was a caretaker's apartment until it was converted into storage space.

(13) **APPEAL NO. 03-153**

MICHAEL McCREADY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	355 Country Club Drive. Protesting the issuance on September 18, 2003, to Karen Wong, Site Permit to Alter a Building (on single-family house: 2nd floor addition). APPLICATION NO. 2001/08/21/6532S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 1-3-1 (President Chin, Commissioners Shoemaker & Sugaya dissented, Vice President Harrington absent) to reschedule the appeal to a later date. 3 votes being required to reschedule any matter, the motion failed, and the hearing went forward. Afterwards, upon motion by Commisisoner Saunders, the Board voted 2-1-2 (Commissioner Sugaya dissented, President Chin abstained, and Vice President Harrington absent) to uphold the subject permit.

SPEAKERS: Michael McCready, appellant, asked the Board to recuse a Commissioner because of a conflict of interest. He asked the Board to change its position from the one they made on the appeal by the permit applicant of the Planning Commission's reduction in square footage of the

adiition and reduce it from the 1,100sf approved by the Board back to the 900sf approved by the Commission, and also said the revised plans do not comply with the Board's decision. Catharine Barnes, DCA, explained the ffect of Prop. E which reorganized and toughened the ethics and conflicts regulations of the City. She said that in this matter there was no need to recuse any Commissioners since there had been full disclosure of a previous relationship between the Commissioner and the permit holder. Jeremy Paul, agent for permit holder, asked the Board to uphold the permit with the plans as revised to meet the Board's earlier decision and that Planning's action should be upheld. Public comment for appellant: Bruce Selby said he lives across the street from the subject residence and that the HOA supports the appellant, and that the permit holder began construction during the 15-day appeal period in violation of the Code. Adena Rosmarin said she objects to the changes made to the plans not authorized by the Board after the last hearing, which shows contempt by the permit holder for the process and the Board. She asked the Board to vacate its decision. Connie D'Aua said she is in agreement with the earlier speakers. Denis Driscoll explained the special nature of the subdivision and asked the Board to reduce the addition to 900sf. Susan Ngai said she likes the neighborhood and asked the Board to reduce the addition to 900sf. Public comment for permit hodler: Cedric Goo said he supports the addition at its current 1100sf.

There being no further business, President Chin adjourned the meeting at 8:45 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 17, 2003

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3A) **REHEARING REQUEST:** Taxi Medallion No(s). 129
Appeal No(s). 02-020
Adams vs. Taxi Commission

12-12-03A11:53 RCVD

Letter from John Feldmann III, Attorney for David Adams, Appellant(s), requesting rehearing of Appeal No(s). 02-020, decided June 25, 2003. At that time, upon motion by Commissioner Saunders, the Board voted 3-2 (Commissioners Shoemaker & Sugaya dissented) to overrule the Taxi Commission and add the appellant's name to the subject medallion. Four votes being required under Charter § 4.106 to overturn or modify a departmental action, the motion failed, and the Taxi Commission's denial of the request to add the appellant's name to medallion no. 129 was upheld.

(3B) **REHEARING REQUEST:** 2776 Mission Street
Appeal No(s). 03-013
Low vs. DBI, Planning Dept. Disapproval

Letter from Dan Sullivan, Agent for Appellant Dennis Low, requesting a rehearing of Appeal No(s). 03-013, decided May 21, 2003. At that time, upon motion by Commissioner Shoemaker, the Board voted 2-3 (President Chin, Vice President Harrington & Commissioner Saunders dissented) to uphold the denial of the subject permit. Four votes being required under Charter § 4.106 to overturn any departmental action, the denial of the subject permit was upheld. Project: abate Notice of Violation No. 200232430; install front roll up gate; remove existing wall to replace existing 2'6" door with a new 3'0" door and 4X8 header with accessible door hardware; the gate is for security purposes, thus closed grill; retail open from 9am to 9pm.

(3C) **ADOPTION OF FINDINGS:** 3632-3638 Sacramento Street
Appeal No(s). 03-122
Bulkley vs. DBI, Planning Dept. Disapproval

Proposed findings submitted by Mary Murphy, attorney for appellant. For discussion and adoption. **Note:** On Dec. 3, 2003, the Board voted 4-0-1 (Commissioner Saunders absent) to overrule the denial, and grant the permit with adoption of findings on Dec. 17, 2003. Project: on two-story office/residential building: level two of the subject property has been used for offices since about 1976; the purpose of this application is to bring the zoning classification into conformance with the longtime use as offices; no construction; no work.

(4) **APPEAL NO. 03-077**

MARK ONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	2545 Greenwich Street. Appealing the denial on May 28, 2003, of Permit to Alter a Building (interior modification to combine 2 units into 1 unit, resulting in a 2-unit building; no additional space is created; no exterior changes). APPLICATION NO. 2002/09/12/6333. FOR HEARING TODAY.

(5) **APPEAL NO. 03-133**

ISHTIAQ BOKHARI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 18, 2003, of a Driver of Public Passenger Vehicle for Hire Permit. RESOLUTION NO. 2003-65. FOR HEARING TODAY.

(6) **APPEAL NO. 03-019**

LIKE LIU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2282 – 28th Avenue. Protesting the issuance on November 12, 2002, to Cheng Lee, Permit to Alter a Building (on single-family house: remove illegal unit at ground floor, remove non-bearing partitions, kitchen, toilet and closet; create new storage). APPLICATION NO. 2002/11/12/1225. JURISDICTION GRANTED JAN. 22, 2003. **Note:** The Board voted 4-0-1 on April 2, 2003 to uphold the subject permit due to non-appearance of appellant. On April 30, 2003, the Board voted 5-0 to grant the appellant's rehearing request. At the rehearing of June 4, 2003, the Board voted to place the matter on the Call of the Chair so that the parties could work on an agreement. Both parties have now requested that the matter be brought back to the Board. FOR REHEARING TODAY.

(7) **APPEAL NO. 03-126**

KEITH MATTOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	333 Ulloa Street. Protesting the issuance on August 11, 2003, to Miranda Li, Permit to Alter a Building (alter and add bath on 2nd floor; add a bedroom on ground floor; legalize bath and bedroom on ground floor; add single level deck at rear of 2nd floor; add 4 skylights over bath and kitchen). APPLICATION NO. 2003/08/11/1664. **Note:** On Oct. 29, 2003, the Board voted 4-0-1 (President Chin absent) to uphold the subject permit due to the non-appearance of the appellant. And on Dec. 3, 2003, the Board voted 4-0-1 (Commissioner Saunders absent) to grant the appellant's rehearing request. FOR REHEARING TODAY.

(8) **APPEAL NO. 03-119**

LAMBERT LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	540 – 8th Avenue. Appealing the denial on August 5, 2003 of Permit to Demolish a Building (two-story single family house with 764sf of ground floor area). APPLICATION NO. 2002/12/09/3108. FOR HEARING TODAY.

ITEMS (9A), (9B) & (9C) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. V03-132**

WILLIAM CANIHAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	891 Carolina Street. Appealing the denial on August 22, 2003, of a Front Setback Variance (proposal is to construct a new 3rd level that intrudes into the required front setback area; the project also proposes a new 4th level addition, and one additional dwelling unit on an existing single-family, two-story over garage structure, which are not subjects of the variance request). VARIANCE CASE NO. 2002.0933V. FOR HEARING TODAY.

(9B) **APPEAL NO. 03-137**

WILLIAM CANIHAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	891 Carolina Street. Appealing a determination dated August 20, 2003, disapproving Building Permit Application No(s). 2002/05/08/6090 (construction of a 2nd dwelling unit, and a 2-story vertical and horizontal addition on an existing single-family, two-story over garage structure). FOR HEARING TODAY.

(9C) **APPEAL NO. 03-155**

WILLIAM CANIHAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: KRISTINE GARDNER	891 Carolina Street Appealing the denial on Sept. 30, 2003, of Site Permit to Alter a Building (substantial alteration of existing dwelling from one unit to two units; addition of top story). APPLICATION NO. 2002/05/08/6090S. FOR HEARING TODAY.

(10) **APPEAL NO. 03-167**

STEVEN FIKE & KEY FIKE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2257 Filbert Street. Appealing the denial on September 29, 2003, of Permit to Remove & Replace One Tree. ORDER NO. 174,406. FOR HEARING TODAY.

(11) **APPEAL NO. 03-087**

BILL & LUBA GOWER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2250 Jackson Street. Appealing a determination dated May 20, 2003, addressed to Gary Bell, that the legal use of the subject property is a 5-unit apartment building based on available prior building permits and land use records. FOR HEARING TODAY.

(12) **APPEAL NO. 03-179**

ROBERT GROW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1835 – 19th Avenue. Protesting the issuance on October 3, 2003, to Al Chang-Liang, Permit to Demolish a Building (two-story single-family house with 900sf of ground floor area). APPLICATION NO. 2002/10/25/9921. FOR HEARING TODAY.

(13) **APPEAL NO. V03-180**

EVELYN KAHL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	565 Diamond Street. Appealing the conditions placed on a Rear Yard Variance granted on October 15, 2003 (construction of a two-story rear extension within the required 5-foot side setback). VARIANCE CASE NO. 2003.0541V. FOR HEARING TODAY.

ITEMS (14A) & (14B) SHALL BE HEARD TOGETHER:

(14A) **APPEAL NO. 03-181**

GERALDINE & RICHARD MEISTER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	660 – 28th Street. Protesting the issuance on October 10, 2003, to James McFadden, Site Permit to Erect a Building (two-story single family house with 1,464sf of ground floor area). APPLICATION NO. 2002/03/20/1928S. FOR HEARING TODAY.

(14B) **APPEAL NO. 03-182**

GERALDINE & RICHARD MEISTER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	662 – 28th Street. Protesting the issuance on October 10, 2003, to James McFadden, Site Permit to Erect a Building (two-story single family house with 1,464sf of ground floor area). APPLICATION NO. 2002/03/20/1926S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence.

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 575-6880 if you have any questions concerning this agenda.

Additional Note: The Board of Appeals will have its annual holiday luncheon at Kelly's Mission Rock resort, 817 China Basin, at noon on Dec. 17, 2003. For information, please call Robert Feldman, Executive Secretary, at 415-575-6880.

Date posted: December 11th, 2003

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
KATHLEEN HARRINGTON	**VICE PRESIDENT**
SABRINA N. SAUNDERS	**COMMISSIONER**
DOUGLAS SHOEMAKER	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents:

1. Appellant's Preliminary Statement of Appeal and Brief.
2. Respondent's or Permit holder's Response Brief.
3. Appellant's Reply.
4. Department decision, order, permit, determination, resolution, or Notice of Violation.
5. Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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